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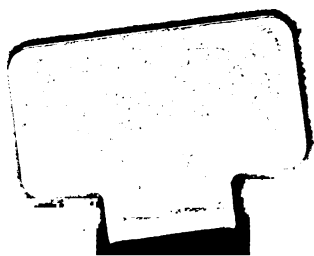
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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

SIXTH SESSION.

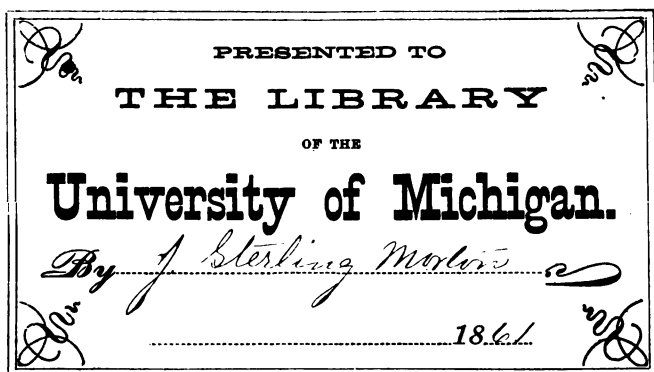
BEGUN AND HELD AT OMAHA CITY,

DECEMBER 5, A. D. 1859.

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1860.



HOUSE JOURNAL
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF NEBRASKA.

HOUSE OF REPRESENTATIVES,
Monday, December 5th, 1859. }

In pursuance of law, the Legislative Assembly of the Territory of Nebraska met in Sixth Regular Session at the Capitol, on Monday, December fifth, A. D. 1859.

The House met at 2 o'clock P. M., and

On motion of Mr. Lake of Douglas,
James W. Moore of Otoe, was appointed Chief Clerk, *pro tem*.

On motion of Mr. Hanscom of Douglas,

The persons claiming seats were required to present their credentials to the Clerk, and the Clerk required to make a roll of the persons thus appearing to be elected.

Whereupon, the following named persons presented credentials:

Truman H. Adams, Alexander Bain, John P. Baker, R. C. Barnard, Barnabas Bates, David D. Belden, John S. Bowen, J. Edward Burbank, Wm. H. Brodhead, John C. Campbell, David L. Collier, George Crowe, W. R. Davis, Charles A. Goshen, Leander Gerrard, Andrew J. Hanscom, George A. Hinsdale, Harrison Johnson, W. W. Keeling, George F. Kennedy, George B. Lake, Wm. S. Latta, A. B. Malcolm, T. M. Marquette, Samuel Maxwell, Nathan Myers, Jesse Noel, Stephen F. Nuckolls, Houston Nuckolls, E. H. Rogers, John Reck, Milton W. Reynolds, Matthew J. Shields, John N. Stephenson, James S. Stewart, Silas A. Strickland, John Taffe and James Tufts.

Monday, December 5th, 1859.

Mr. Brodhead of Otoe, moved that Mr. Hanscom of Douglas be appointed Speaker *pro tem*.

Carried.

On motion of Mr. Lake of Douglas,

The following named additional officers were appointed to serve through the temporary organization, viz:

Assistant Clerk, George W. Rust of Douglas.

Sergeant-at-Arms, James W. Coleman of Nemaha.

Doorkeeper, N. J. Sharpe of Richardson.

Mr. Taffe of Dakota, moved that the rules of last session be adopted for the government of the House during its temporary organization.

Carried.

On motion,

The Clerk was directed to call the roll of the counties in their regular order.

Roll called.

On motion of Mr. Lake of Douglas,

The House proceeded to the election of a Committee of five on Credentials.

Mr. Strickland of Sarpy, moved that the Chair be authorized to appoint two Tellers.

Carried, and

Messrs. Strickland and Marquette appointed.

Nominations being in order,

Messrs. Lake, Tufts, Keeling, Crowe, Collier and Nuckolls of Richardson were placed in nomination.

The House then proceeded to elect by ballot, with the following result:

Mr. Lake received 30 votes.

Mr. Tufts received 24 votes.

Mr. Crowe received 26 votes.

Mr. Nuckolls of Richardson received 30 votes.

Mr. Collier received 6 votes.

Mr. Campbell received 1 vote.

Mr. Taffe received 1 vote.

Mr. Malcom received 1 vote.

Mr. Myers received 1 vote.

Mr. Marquette received 1 vote.

Messrs. Lake, Tufts, Keeling, Crowe and Nuckolls of Richardson, having received a majority of all the votes cast, were declared elected.

On motion of Mr. Strickland of Sarpy,

The Committee on Credentials were instructed to retire and examine the credentials of members placed in their hands, and report on the same as practicable.

Messrs. Miller, Doane and Reeves, a Committee from the Council, made their appearance and informed the House that the Council had permanently organized by the election of

Hon. E. A. Donelan of Cass county, President.
 S. M. Curran of Buffalo county, Chief Clerk.
 E. A. Allen of Washington county, Assistant Clerk.
 F. Kaufman of Sarpy county, Sergeant-at-Arms.
 R. R. Kirkpatrick of Dakota county, Doorkeeper.
 O. C. Burnham of Douglas county, Engrossing Clerk.
 Wm. S. Walker of Douglas county, Enrolling Clerk.
 F. Lehmer of Douglas county, Page.

Mr. Lake, chairman of the Committee on Credentials, reported the following named gentlemen elected as members of the House for this session, viz:

For the County of Richardson—Houston Nuckolls, J. Edward Burbank and Nathan Myers.

For the County of Nemaha—George Crowe, W. W. Keeling, Jesse Noel and John P. Baker.

For the County of Otoe—John C. Campbell, Alexander Bain, Truman H. Adams, Stephen F. Nuckolls, Milton W. Reynolds, Wm. H. Brodhead.

For the District composed of Cass and Lancaster Counties—John N. Stephenson, Wm. S. Latta, Wm. R. Davis, Samuel Maxwell and T. M. Marquette.

For the County of Sarpy—Matthew J. Shields and Silas A. Strickland.

For the County of Douglas—Andrew J. Hanscom, David D. Belden, Harrison Johnson, George F. Kennedy, George B. Lake, A. B. Malcolm.

For the County of Washington—James S. Stewart and J. S. Bowen.

For the District composed of Burt and Cuming Counties—David S. Collier.

For the County of Dakota—George A. Hinsdale and Barnabas Bates.

For the District composed of Dixon, Cedar and L'eau-qui-Court Counties—James Tufts.

For the County of Dodge—E. H. Rogers.

For the District composed of Platte, Green, Calhoun and Butler Counties—John Reck.

For the District composed of Monroe and Hall Counties—Richard C. Barnard.

For the County of Pawnee—J. N. McCasland.

For the District composed of Johnson, Clay and Gage Counties.—Chas. A. Goshen.

For the District composed of Dakota, Dixon, Cedar and L'eau-qui-Court—John Taffe.

The committee also called the attention of the House to the certificate of election of R. S. Parks.

Mr. Collier of Burt, moved that the report of the committee be referred back to the committee, with instructions to report whether there are any cases of conflicting certificates of election, and if there are, to report all the evidence before it to the House.

Mr. Strickland of Sarpy moved that the motion be laid on the table.
 Carried.

Monday, December 5th, 1859.

On motion,

The report of committee accepted and adopted.

Mr. Lake of Douglas moved that the House now proceed to the election of permanent officers.

Carried.

The House then proceeded to the election of Speaker.

Messrs. Silas A. Strickland of Sarpy, and T. M. Marquette of Cass were nominated.

The roll being called the vote stood as follows:

For Mr. Strickland—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcom, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tufts.—24.

For Mr. Marquette—Messrs. Bain, Bowen, Baker, Burbank, Collier, Davis, McCasland, Latta, Maxwell, Rogers, Stephenson and Taffe.—12.

Mr. Strickland, having received a majority of all the votes cast, was declared duly elected Speaker.

On motion,

A committee of three, consisting of Messrs. Brodhead, Marquette and Tufts were appointed to conduct the Speaker to the Chair.

On motion of Mr. Hanscom,

The House proceeded to the election of Chief Clerk.

Messrs. James W. Moore of Otoe county and A. S. Paddock of Washington county were put in nomination.

The roll being called the vote stood as follows:

For Mr. Moore—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, McCasland, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart, Tuft and Speaker.—26.

For Mr. Paddock—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, Latta, Marquette, Maxwell, Rogers, Stephenson and Taffe.—12.

Mr. Moore having received a majority of all the votes cast, was declared duly elected Chief Clerk.

The House proceeded to the election of Assistant Clerk.

Messrs. George W. Rust of Douglas county, and S. R. Jamison of Richardson county were placed in nomination.

The roll being called, the vote stood as follows:

For Mr. Rust—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart, Tufts and Speaker.—25.

For Mr. Jamison—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, McCasland, Latta, Marquette, Maxwell, Rogers, Stephenson and Taffe.—13.

Mr. Rust having received a majority of all the votes cast, was declared duly elected.

On motion,

The House proceeded to the election of Sergeant-at-Arms.

Messrs. J. W. Coleman of Nemaha county, and Henry Lyons of Dakota county were placed in nomination.

The roll being called the vote stood as follows:

For Mr. Coleman—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, McCasland, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noels, Nuckolls of Otoe, Reck, Reynolds, Shields, Stewart, Tufts and Speaker.—25.

For Mr. Lyons—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, Latta, Marquette, Maxwell, Rogers, Stephenson and Taffe.—12.

Mr. Coleman having received a majority of all the votes cast, was declared duly elected.

On motion,

The House proceeded to the election of Doorkeeper.

Mr. N. J. Sharp of Nemaha county was placed in nomination.

The roll being called, the vote stood as follows:

For Mr. Sharp—Messrs. Adams, Bain, Baker, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Campbell, Collier, Crowe, Davis, McCasland, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stephenson, Stewart, Taffe, Tufts and Speaker.—37.

For Mr. Cyrus Morton—Mr. Rogers.—1.

Mr. Sharp, having received a majority of all the votes cast, was declared duly elected.

On motion,

The House next proceeded to the election of Chaplain.

Rev. Messrs. Kuhns, Davis, Dwarfs, Seely and Gorton were placed in nomination.

The roll being called, the vote stood as follows:

For the Rev. Mr. Kuhns—Messrs. Barnard, Bates, Belden, Brodhead, Campbell, Collier, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart, Tufts and Speaker.—24.

For the Rev. Mr. Davis—Messrs. Rogers and Taffe.—2.

For the Rev. Mr. Gorton—Messrs. Adams, Bain, Baker, Bowen, Burbank, Crowe, Davis, McCasland, Latta, Marquette, Maxwell and Stephenson.—12.

Mr. Kuhns having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Kennedy of Douglas,

A committee of three were appointed to wait upon the Honorable

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Secretary of the Territory, and request him to administer the oath of office to the members and officers elect.

Carried, and

Messrs. Kennedy, Campbell and Collier appointed such committee.

Thereupon Secretary Morton appeared in the Hall and administered the oath of office to the members and officers of the House.

On motion of Mr. Lake of Douglas,

A committee of three were appointed to wait upon the Rev. Mr. Kuhns and inform him of his election as Chaplain of the House.

Carried.

Speaker appointed Messrs. Lake, Crowe and Taffe such committee.

After which,

On motion the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
Tuesday, December 6th, 1859. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Kuhns.

Journal of yesterday's session read and approved.

Mr. Hanscom of Douglas offered the following resolution:

Resolved, By the House of Representatives of the Territory of Nebraska, that the Speaker be and is hereby authorized to appoint a Fireman and two Pages for this House.

Adopted.

Speaker appointed James Burns, Fireman, and John Larcin and James McCheane, Pages.

The members of the House then proceeded to the drawing of seats.

Mr. Anderson of Douglas moved that the Clerk be instructed to prepare thirty-eight numbers on slips.

Carried.

Whereupon the Clerk prepared the numbers as instructed, after which the members drew seats for the session.

Mr. Collier of Burt moved that a Committee of three be appointed to inform the Council that the House had organized by the election of permanent officers, and is now ready for the transaction of business.

Carried, and

Messrs. Collier, Lake and Bates appointed such Committee.

Mr. Marquette of Cass, offered the following:

Resolved, That the Rules of the House of last session, and Jefferson's Manual, when not in conflict with said Rules, be adopted for the government of the House during the present session.

Laid over under the rule.

Mr. Hanscom of Douglas, moved that a committee of two be appointed to wait upon the Governor and inform him that the House was ready to receive any communication he might have to make.

Carried.

Speaker appointed Messrs. Hanscom and Campbell such committee.

Mr. Tufts of L'eau-qui-Court, moved that the House take a recess for fifteen minutes.

Messrs. Miller and Doane, a Committee from the Council, appeared and informed the House that the Council would meet the House in Joint Session in twenty minutes.

Mr. Tufts of L'eau-qui-Court amended his previous motion so as to read "that the House take a recess for twenty minutes."

Carried.

The House having resumed business, Mr. Hanscom from the committee appointed to wait upon the Governor, reported that His Excellency would meet the House in ten minutes.

Mr. Lake of Douglas moved that a committee of three be appointed to wait upon the Council, and invite the members thereof to take seats within the bar of this House.

Carried.

Speaker appointed Messrs. Lake, Brodhead and Goshen such committee.

Mr. Kennedy of Douglas moved that the north side of the Hall be vacated for the use of the members of the Council.

Carried and

North side of the Hall accordingly vacated.

The Council now appeared, when the Council and House of Representatives went into Joint Convention.

Hon. E. A. Donelan, President of the Council in the chair.

On motion of Mr. Miller of Douglas,

A committee of five, consisting of two upon the part of the Council, and three upon the part of the House, were appointed to inform the Governor that the Legislature is now ready to receive any communication he may have to make.

Messrs. Miller and Reeves upon the part of the Council, and Messrs. Goshen, Johnson, Marquette and Tufts upon the part of the House appointed such committee.

His Excellency the Governor appeared and delivered the following message:

Tuesday, December 6th, 1859.

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives :

It is only in conformity with the practice adopted at the first session of the Territorial Legislature, and since that time pursued at every annual meeting, that I assume the right or privilege of addressing this communication to the Council and House of Representatives of the Territory of Nebraska. No positive law either authorizes or commands it. But the practice is a good one, and good results will always flow from it, if we are animated by a sincere desire to accomplish as much as possible for the welfare of the people.

Nebraska has heretofore suffered from inconsiderate and hasty legislation, as well as from the sudden and untimely repeal of a large portion of her laws. We have, however, just cause of congratulation that the Code, both civil and criminal, adopted by the Legislature of last year, is in full and successful operation. Although not by any means perfect, it seems to work well, and can, no doubt, with a little alteration and trouble, be so improved as to meet all the necessities of the public. I think it would be advisable for the Legislature, at an early day, to appoint a special committee to examine the Laws of 1858, for the purpose of ascertaining whether some useful and necessary amendments, of immediate importance, might not be adopted. It is probable that I shall take the liberty, before the close of this communication, to suggest some changes which in my opinion would be salutary and beneficial. It will not be expected nor is it proper that I should specify every particular in which present laws might be profitably changed, or new ones enacted, to the advantage of the community.

Our past, present, and prospective condition is a fit subject for reflection and remark. This Territory was organized, at the same time with Kansas, on the 30th day of May, 1854, and the first Legislature met at Omaha, on the 16th day of January, 1855. In that body eight counties were represented. Now, at the expiration of less than five years, twenty-three counties have their representatives in the Legislature, and thirty-five counties have been fully organized, or their boundaries defined by law. With the exception of those which lie immediately upon the Missouri River, nearly all the counties have been so laid off as to cover a surface of exactly 24 miles square. The lands in Nebraska actually surveyed amount to 8,851,758.59 acres. The surveys have been extended from the dividing line between Kansas and Nebraska, on the 40th parallel, to the latitude of 42 degrees and 51 minutes, while the average depth from the Missouri River is about 140 miles. These lands, with other and vast bodies far to the West are all, with but small and occasional exceptions, as rich and productive as any soil on the American continent, warmed by the sun, and watered by the rain and the dews of heaven.

I have regarded it as right and needful that I should depart a little from the usual form and plan of an Executive Message, to correct some serious errors which have been instilled into the public mind of the country, highly injurious to our present and future prosperity. Books of History, and Official Reports to the Government have been alike in-

accurate and unjust ; so much so, indeed, that it requires an effort, from those who have seen and do know what manner of soil and climate we possess, to believe that these fertile plains were the fields of exploration, and furnished subject matter and material for the "exact and perspicuous narrative," which has, within a few years, been transferred to History. You are aware that as early as 1819, and shortly after the acquisition of Florida, an expedition was organized by Mr. Calhoun, then Secretary of War, for the purpose (amongst other things) of examining the country drained by the Missouri and its branches. The party, it is said, "*comprised a large number of officers and men of science.*" They passed the summer of that year in examining the lower Missouri, and the following winter at what was then Council Bluffs, but is now Fort Calhoun, in Washington county. "In the month of June, 1820, they proceeded up the Valley of the Platte, to the confluence of its North and South branches, and then continued along the South Fork, to its sources in the Rocky Mountains, near the 40th degree of latitude." Afterwards, "striking the head waters of the Arkansas, which also flows from the same mountain, they descended the valley of that river to its junction with the Mississippi." A recent historian, speaking of the expedition, says : "Much information was obtained respecting the Geography, Natural History, and Aboriginal Inhabitants of the country traversed, all of which was committed to the world in an exact and perspicuous narrative, published by Dr. James (the botanist of the expedition), in 1823."

"And," continues the historian, "one most important fact, in a political point of view, was completely established by the observation of the party ; namely, that the whole division of North America, drained by the Missouri and the Arkansas, and their tributaries, between the meridian of the mouth of the Platte and the Rocky Mountains, is almost entirely unfit for cultivation, and therefore uninhabitable by a people depending upon agriculture for their subsistence. The portion of this Territory, within five hundred miles of the Rocky Mountains, on the East, extending from the 39th to the 49th parallel of latitude, was indeed found to be a desert of sand and stones."

And within this very year I have seen speeches of statesmen, gentlemen of high position in the country, who speak of "the remoteness, barrenness, and extreme cold of Nebraska," as if we lived under the North Pole, instead of being, as we are, directly west of Ohio and Pennsylvania, and blest with a soil, which for all purposes of agriculture and horticulture, has no superior between the two great Oceans that bound the American Union. The pioneers and settlers, whose farms already extend almost two hundred miles westward from "the meridian of the mouth of the Platte," towards the Rocky Mountains, will be surprised to learn from this historical romance, that their rich and unrivalled soil is almost entirely unfit for cultivation. And however great their surprise, it will find abundant sympathy with the citizens of Northern Kansas and Southern Nebraska, who are informed, by solemn History, that from the 39th parallel northward there is a great Desert, stretching eastward from the foot of the Rocky Mountains, a distance of five hundred miles, without a blade of grass, a tree

or a flower to relieve the dreary landscape of *sand and stones*. It is time that misrepresentation and error should be met and corrected, and that Nebraska should be vindicated against the false impressions produced by ignorance or interested perversion. Let the facts and facts only speak, for the plainest truth is our surest safeguard. Some of these facts are the almost miraculous production of Corn, Potatoes, Melons, Pumpkins, Sweet Potatoes, Wheat, Rye, Oats, Barley, and Chinese Sugar Cane, and every garden vegetable, common to a temperate climate, and as far as experiment has been pursued to result, we have satisfactory evidence that all the fruits which thrive in Illinois or Ohio will prosper here. I feel confident that but a few years will elapse before Peaches, Apples, Pears, Plums and Grapes, of excellent quality, will adorn and enrich the farms and gardens of our people. Indeed, it is well known that at our Territorial Fair, in September, six varieties of delicious Peaches were exhibited, products from a farm not thirty miles distant from "the meridian of the mouth of the Platte."

That the exploring party of 1819-20 "comprised a large number of officers and men of science," is well known and conceded. But how they could pass the Summer of the year in examining the Lower Missouri, and the next Winter at Old Council Bluffs (showing that they had not gone twenty miles from the Upper Missouri into the interior of Nebraska and Kansas), and proceed thence up the Valley of the Platte, to the confluence of the North and South Forks, and continuing along the South Fork, to its source in the Rocky Mountains, near the 40th parallel, and then striking the head waters of the Arkansas in the same mountain, pass down the valley of that river to its junction with the Mississippi, how they could do as the historian says they did, and establish "by observation" that the entire Territory, between the 39th and 49th parallels, for five hundred miles eastward from the Rocky Mountains was a desert of sand and stones, passes comprehension, and would make the most confiding believer, curious to know, how? and would leave him, as it leaves you and me, full of unbelief.

Nevertheless it is true, as the old pioneers all attest, that the soil of forty years ago bore no comparison to the deep and affluent formation of to-day. In the wilderness, "where there was no man," rain was almost, if not altogether unknown, and now refreshing and abundant showers are supplied in needful season for the earth. It is no longer a wilderness, and man is there. The country, at one time "covered with the short Buffalo grass, presenting the appearance of a poor unproductive soil," is now luxuriant with the lofty grasses of the Prairie, which, even at less than full growth, reaches to the horses' bridles. The footsteps of civilization and improvement are preceded by Divine preparation, and all these things are "the wondrous works of Him which is perfect in knowledge."

The gold fever, which during the past twelve or eighteen months has raged and remitted at periodic intervals, has been replaced by a calm and healthy confidence. It seems now to be settled by sufficient and conclusive evidence, that the question of large and rich deposits is not any longer a matter of discussion or doubt. Since the Base Line between Kansas and Nebraska has been established, it is plainly ascer-

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tained that a full share of the gold fields is to be found in the portion of this Territory. The influence which the discovery is to have upon our future, I will not attempt to estimate ; but will hasten the establishment of a great and permanent pathway between the Missouri River and the Rocky Mountains think, inevitable. And does it not seem as if nature herself to end the dispute between states and statesmen, politicians, tors, and all others, as to the route of a railroad to the Pacific

Perhaps the most difficult and delicate part of legislation, which relates to the revenue of a free and representative government. The people, who are the only source of power, bear all the burden of government, either on their persons or property. Hence the natural, as well as an intense and enduring jealousy on their part, laws that relate to taxation. This feeling I would not entirely remove if I could. It serves to accomplish what might not otherwise be obtained, an economical and almost necessarily an honest administration of government. All other things being equal, taxation should be as equal as possible. Each person or property-holder should pay a general thing, be taxed in proportion to his substance or ability. This rule is not always inflexible, and should not be. What is true in an old and established government, is not always so in a new and struggling community. Opening up, developing and enriching a new country, through much tribulation and toil, is in one sense, and to a great extent, a burden of government. It is true that the man, who improves his own land, may be recompensed for all that he does, but still he serves, in some degree, both the government and the community, in the very work that he does for himself. Further, the value of every acre of vacant land in or near his neighborhood. If that land is held for mere speculation, is it not clear that it looks to the labor of others for the gains which are to follow the enhanced value of his estate? In regard to this subject I will say explicit and plain. It is a fact very well known that hundreds of thousands of acres of the best land in Nebraska are held by individuals, who have never broken a single foot of sod, with spade or plow. These lands being unimproved, pay only at present a comparatively small tax. The man who lives on and improves his property, or country, has generally a reasonable amount of personal property. For the purpose of making the burdens as light as possible, we should be light, I recommend that real estate shall be made the basis of revenue. I think it would be well if there was a special exception, to a limited extent, from all taxation made in favor of different kinds and varieties of stock and cattle. As, for instance, a certain number of sheep, swine, oxen, horses, cows, &c. The object is mainly to encourage the tax-payers of the Territory to rear stock, especially such stock as is valuable, and of the most improved description or breed.

Although I favor the plan of making real estate the chief source of revenue, the Legislature will not understand me as recommending any material change as to taxable items, or articles, mentioned in the section of the act of Nov. 1st, 1858.

While our climate is, in many respects, all that could be desired, and our soil so richly productive, it is not to be denied that the want of timber on the prairies is a great drawback, notwithstanding the fair supply to be found on the Missouri, and the inland streams of Nebraska. If it is possible, in any practicable way, to encourage the planting and growth of timber, it seems to me it should be done. But a very few years are required to grow, to a profitable size, from small beginnings, such trees as cottonwood, walnut, black locust, ash, maple and hickory. I recommend to your consideration a plan of indirect bounty, by which, I believe, great good could be accomplished. If every settler could be induced to plant and start into successful growth, on his own land, a few acres of the trees I have named, I feel satisfied it would in the end be a decided and general gain, to exempt a portion of his land, for a specified period, from the payment of any territorial, or other tax. I make the suggestion, in the hope that the idea may meet with your approbation, leaving all the details to your judgment and discretion.

I invite your friendly consideration to the subject of a Homestead Law. The passage of a bill which would exempt from execution and sale sufficient real estate for a home to every family, would be no more than an act of justice and humanity, and would no doubt meet with very general favor amongst the people.

How much in value or amount should be held sacred for so worthy a purpose, is of course for you to determine. I need hardly say, that whatever is reserved by law should strictly and in good faith be so set apart, that a home for the otherwise homeless would always be made sure. The common objection to such a law is, that it is unjust to creditors. This objection is at once removed, when it is understood that the exemption can be made to operate only against debts contracted subsequent to the passage and publication of the law. The creditor then knows what property he can, and what property he can not look to, in case he gives the credit, and the debtor afterwards makes default.

It is matter of bitter experience, that the people of this Territory have been made to pass through the delusive days of high times and paper prices, and the consequent dark and gloomy night of low times and no prices. We have had our full share of the financial spasms which for two years have afflicted the great body of the American people. They are gradually passing away, but they will never altogether disappear, until the producing causes are removed. One chief and manifest cause, so far as new states and territories are concerned (not the only one), is the enormous and overwhelming rate of interest which is exacted for the loan of money, for a common credit in many cases, even for the necessities of life, or for a brief extension and forbearance of an existing debt. It is idle to look for relief, except in stringent and effective legislation. I am not sure that the evil can be entirely banished by law, but it is worth the trial. I, therefore, recommend the passage of a Usury Law, contrived in the best possible way to overturn the present system and practice of extravagant and ruinous rates of interest.

It may be said that such a law will drive all capital away from the Territory. If the law can be made effectual and effective, it may drive all devouring capital from amongst us. God grant that it may be so; but fair and honest capital, which seeks only reasonable and just returns, will remain and increase.

I invite your attention also, to the law regulating the compensation of public officers. The existing tariff of fees clearly requires careful revision and amendment. In some cases, it is probable, the compensation is no more than just and fair, but in a great many, it is plain, that material and large reductions are necessary and right. Every officer is entitled to a reasonable recompense for his responsibility and labor, and I feel sure that your efforts will be to do no more, nor less, than equal and exact justice to all.

The Annual Reports of the Territorial Auditor and Treasurer have been received, and are herewith submitted. The balance in the treasury is necessarily small, owing to the fact that the revenue from the different counties for this year is not payable until January next. According to the Auditor's Report, the present liabilities of the Territory are \$31,068.23. On the 20th of September, 1858, they amounted in warrants to \$15,774.95. Between the 20th of September, 1858, and November 1st, 1859, in accordance with various laws, warrants were issued for \$16,459.95, making the current expenses for that time appear to be the whole of that sum. But fully one-half the amount of those warrants was for liabilities incurred during the year 1857-8, making the actual current expenses for this year to be in fact only about \$8,000. The revenue from taxes, due January 1st, 1859, as reported by the different counties (Pawnee county excepted), amounts to \$19,387.57, so that the whole debt of the Territory may be set down at \$11,680.66 more than the estimated resources of the year ending December 1st, 1859. Hence we are able to see that the entire territorial debt can very conveniently, and without any increase of taxation, be extinguished in less than two years. Indeed, with fair retrenchment and conscientious economy, both of which I can not too earnestly recommend, the existing burdens of taxation can be materially lessened, and still, in a short time, the whole territorial debt be paid.

I submit also the Report of the Territorial Librarian, with a complete catalogue of all books in the library. Within the past year, a great many volumes which had been improperly taken from the library, have been gathered in by the diligence of the present Librarian. Large additions of miscellaneous and law books have been received, from different states and territories, in return for volumes of laws and the legislative journals transmitted to them. Besides these, 237 volumes of law books have been added to the library, which I purchased with a portion of the original appropriation made by Congress, and which I found unexpended when I entered upon the duties of my present office.

The policy of the Territory should be to protect, as far as possible, and in a just way, all improved real estate, and encourage the improvement of that which is vacant and unimproved. I request your consideration to the subject of an extension law for real estate levied upon by execution. For the purpose of convenience and brevity, I submit my

views in the shape of an abstract of such a law, as I think would be just to all parties and beneficial in its operation. A provision requiring the Sheriff of every county to summon a jury of inquest prior to each general return day, to which jury all writs with liens on real estate shall be submitted, their duty being to inquire whether the property is vacant or improved; if improved, to ascertain whether the annual rents, issues and profits, at a fair estimate, would pay the judgment debts and other liens, with costs and interest, in a certain time, say seven years. It being ascertained that the annual rents would pay the debts in that time, then to mark the property extended, fixing the amount of the rent and the manner of its payment. Such a law would be humane towards debtors who have improved their real estate, whatever it may be, and would be both fair and just to creditors, all of whom would be secured to the amount of their liens, each lien being paid off according to its age or priority. It is almost superfluous to say, that by a forced sale of improved real estate (which by an extension might be sufficient to pay all demands against it), a majority of the creditors are usually sacrificed at the same time with the unfortunate debtor.

The administration of the Criminal Law is rendered ineffectual, for lack of means to punish felons and other convicted offenders. We have no penitentiary or other public prison for their confinement, and the law does not sufficiently provide for their custody. If an arrangement could be made by which felons could be sent to some adjoining state for confinement in the penitentiary, particularly where they are made to support themselves by labor, it would evidently be a most excellent scheme, and save considerable expense to the Territory.

A large and enterprising population in the western part of the Territory, mostly in "the mining region," are without the benefit of county organization, and, consequently, in a great measure, without the protection of law. The organization of several counties is, I believe, both necessary and right, and I recommend the subject to your favorable consideration.

The condition of the Capitol building demands immediate attention. A proper representation from the Legislature to Congress would, I believe, secure such necessary appropriation as may be sufficient to complete the building, and make it convenient for use, and safe.

Fifty thousand dollars appropriated by Congress, and sixty thousand dollars furnished by the city of Omaha alone, have been expended and the house is still unfinished. It is estimated that about thirty thousand dollars will be required to finish the whole work, and thus save the sums already expended from being little better than a dead loss.

During the last spring, and in the early part of the summer, the settlers, particularly in the Platte Valley and about the Elkhorn River, as well as in other places (south as well as north of the Platte River) were subjected to depredations and outrages by the Pawnee Indians, of the most aggravated character. For a season no one within their reach was safe in person, habitation or estate. The citizens, residing in districts not very thickly settled, were exposed to personal insult and violence, and their property not only secretly stolen, but boldly taken or driven away in the presence of themselves and families. Houses were

broken into and plundered of their entire contents, and in some cases families were turned out without a home. Post offices were entered by violence, and the mail of the United States either robbed or destroyed. The people of the neighborhood organized, as well as they could, for their protection, and finally, about the first of July, appealed to the Executive for assistance. During my temporary absence from the Capital, and with the approbation of Mr. Secretary Morton, an expedition was organized under the military direction of General Thayer, and started, as promptly as possible, for the scene of trouble. Information being communicated to me by express, I started immediately for the Capital, having with me a few government troops, under Lieut. Robertson of the dragoons, and arrived at Omaha on the evening of July 5th. With those troops and some volunteers, I came up with the expedition early on the morning of the 8th. The whole force numbered about 200 men, and was placed under the immediate command of General Thayer. After a forced march of four days; we overtook the Indians, who had by this time set forth on their summer hunt. After the first demonstration they surrendered, unconditionally, and submitted to reasonable and just terms. This is not the place nor the time to furnish details of the whole affair, but this much I have considered due to the Legislature in view of the recommendation which I intend to make.

The safety of the people for the present and the future, and the vindication of the great right of every citizen to the protection of the government, as well as the punishment of savage outrage and enormity and the reparation and redress of serious wrongs demanded the adoption of the course which was pursued. The spirit with which the exigency was met by the gallant men who volunteered is entitled to the highest commendation and applause. Many of our merchants and others furnished ammunition, supplies and transportation for the expedition, involving them in considerable expense and outlay. It would be unjust not to say that their generosity is worthy of all admiration. The whole debt and demand of the expedition is just and should be paid. It is fairly a debt of the general government, and I have no doubt will be so recognized by Congress. But for the purpose of immediate liquidation, and that nothing may be passed but what is perfectly fair, I recommend and request the appointment of a special committee, who will investigate the whole matter, and make such report as to justice and equity may belong. All the papers connected with the expedition are in my possession, and will be cheerfully furnished to the committee with such information as it may be in my power to communicate. The results of the expedition have been good. Since that time the Indians have manifested no disposition to molest any one, and the settlers repose under a sense of security not hitherto enjoyed.

I feel that I would be withholding from you important and interesting information, if I failed to communicate the knowledge which I possess of the public sentiment in most parts of the Territory, relative to an early state organization. A very large majority of the people are evidently in favor of the movement, and have already indicated, in various ways, a general and decided wish that this Legislature should take action on the subject. What that action shall be is, of course, for you

to decide. It is well enough for us to try and understand what our present condition is, and what are our relations to the Federal Government. Like Kansas, New Mexico, California, Minnesota, Iowa, Arkansas, Missouri, and many other Territories and States which I could name, we belong to territory acquired since the adoption of the Constitution, and "*outside of the original limits of the United States.*" Nebraska is a part of the Louisiana purchase, or acquisition, made by Mr. Jefferson in 1803. Like the present States of Louisiana, Missouri, Arkansas, Iowa and Minnesota, it was acquired for the purpose of being "admitted as one of the states of the Union," and for no other purpose. The powers of the Federal Government are "*delegated and restricted powers.*" By this I understand that whatever the States which created it have authorized it to do, in the Constitution, it may do, and no more. "New states may be admitted by Congress into this Union." Texas and California were admitted directly and without the interposition of a territorial government. Under the clause of the Constitution, which I have quoted, it is decided and settled that "*the power to expand the territory of the United States, by the admission of new states, is plainly given*—and it has been held to authorize the acquisition of new territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission." *It is acquired to become a state, not to be held as a colony, and governed by Congress with absolute authority. And as the propriety of admitting a new state is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a condition to become a state, upon an equal footing with the other states, must rest upon the same discretion.*"

From the foregoing opinion and authority, two propositions seem to be plain:

First. Congress may "expand the territory of the United States, by the admission of new states;" and "that the propriety of admitting a new state is committed to the sound discretion of Congress."

Second. The Federal Government, as a trustee for the people of the several States, may acquire foreign territory for the purpose of its being admitted into the Union as a state, and not for the purpose of its being held and governed as a colony, nor for any other purpose except to be admitted into the Union as a state. And this, that is, the acquisition of the territory, like the admission of new states, is committed to the sound discretion of Congress.

So far as Nebraska, is concerned, that acquisition was made fifty-six years ago; and, both by the Constitution and the treaty with France, the purpose was that it, as a portion of the Louisiana purchase, might become a state of the Federal Union. In making that acquisition, Congress exercised her sound discretion. The territory of Louisiana, being all foreign, and "*outside of the original limits of the United States,*" Congress might have declined the acquisition altogether, without violating either the letter or the spirit of any law. And the same is true as to the states of Texas and California. But the discretion of such a course would, at this day, be both doubted and condemned. The admission of Nebraska, as a state, now or hereafter, it

is granted, is within the discretion of Congress. It is not, however, an unlimited and irresponsible discretion ; but it is legal, limited, and must be obedient to the constitution. The power is conferred, as in the case of California ; but, as was not the case in regard to that state, it is a power coupled with a duty. As I have already remarked, this Territory, like Kansas, Iowa, Arkansas, Missouri and Minnesota, was acquired by the States of the Confederacy, through their representatives, for the purpose of being admitted into the Federal Union of states. In the different parts of the Louisiana acquisition, territorial governments were formed, as their several necessities demanded the formation of a temporary government. The territory was to be held by the general government, as the agent and trustee of the states, "*until it was settled and inhabited by a civilized community, capable of self-government, and in a condition to be admitted on equal terms with the other states, as a member of the Union.*"

And as the Supreme Court have again said, "*until that time arrives,*" the provisional or temporary government is established, "in order to organize society, and to protect the inhabitants in their persons and property." And as the same court have again expressed it in clear and adequate language, "*some form of civil authority would be absolutely necessary to organize and preserve civilized society, and prepare it to become a state.*"

The conclusion to my mind is, then, irresistible, that the United States acquires, and can acquire territory, like Nebraska, only for the purpose of it becoming a state. To this great end and consummation, a territorial or other temporary government is formed. It is all, from first to last, progress towards the one result. You, as the representatives of the people, have the rightful authority to continue that progress in such lawful way as shall seem good in your sight. If a convention shall be called, and a constitution adopted and ratified by the popular voice, that constitution, being republican in form, and not inconsistent with the Constitution of the United States, and by proper petition or memorial presented to Congress, our duty as a people is done, and the duty of the general government begins.

We should be neither too hasty in seeking admission into the Union, nor too slow. It is true, in the admirable language and thought of a President's Message, that "*immediately upon the formation of a new territory, people from different states and from foreign countries rush into it, for the laudable purpose of improving their condition. Their first duty to themselves is to open and cultivate farms, to construct roads, to establish schools, to erect places of religious worship, and to devote their energies, generally, to reclaim the wilderness, and to lay the foundations of a flourishing and prosperous commonwealth.*"

All this, and more, has been done by the people of this Territory, during the five or six years which have followed its formation. Thirty years ago people went into new states and territories with slow and measured step ; but now, and it is no unmeaning truth, they *rush* into them, and commence at once to cultivate farms, to build towns, erect places of religious worship, and work out, with great rapidity, their own redemption, and that of the wilderness, together.

I suppose no one will say that this Territory is not "*settled and inhabited by a civilized community, capable of self-government.*" Indeed, I am not sure that our people have not been a little too civilized, respectable, and law-abiding for their own good. With an unflinching step they have pursued the noiseless tenor of their way, attracting no unusual notice from abroad as other places and territories have done. With no aid or resources but their own, they sought out and selected this Territory for a home. By industry, patience, endurance and enterprise, they have brought it to its present advanced condition of improvement and promise.

While our civilization and capacity of self-government may be admitted, it will no doubt be objected that we fall short of sufficient population to entitle us to come into the Union as a state. This may be the prevailing sentiment in Congress, and the rule become established that no new state shall be admitted, unless her population is large enough to entitle her to at least one representative, under the ratio fixed by law. At present that ratio is 93,423. Whatever our increase may be in the next six months, and though we may exceed this ratio then, I do not believe that we possess it now.

I am not able to see that the rule is a just one, and that it is not in conflict with the constitution. I do not contend that every community has a right to call itself a state, and demand admission into the Union. Far from it. But if a territory has been acquired to become a state, and its civilized society has been organized, preserved and prepared for that purpose, I think the great question is, has it reached the *status*, or condition of a state. In regard to population, the constitution seems to indicate what number is sufficient. "The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative." And until the enumeration shall be made, Rhode Island and Providence Plantations "shall be entitled to choose one," and "Delaware one."

Rhode Island and Delaware might at the adoption of the constitution and afterwards have fallen short of 30,000, but still each would be entitled to a representative because "each state shall have one." But "the number of representatives," as a rule, "shall not exceed one for every 30,000." The constitution fixes the minimum of each additional representative at one for 30,000. If the ratio of representation, and the right of admission by a new state—have any just connection, is it not reasonable to say that the number named in the constitution as a minimum, is a better guide towards this much desired *status*, or condition of a state than the ever changing rules of an ever changing legislature?

Arkansas was admitted in 1836 when her inhabitants were said to number "47,700 persons—computed according to the rule prescribed by the constitution." From previous and subsequent data furnished by the census of 1830 and 1840, it is fair to say she had over 40,000 white inhabitants. But whether she had or had not, she was rightly and righteously admitted. Although violently opposed by some on account of what was called the perpetual slavery clause of her constitution, and by others because she had formed her state constitution without the

previous consent of Congress in the shape of an enabling act, her small population seems not to have been involved in the discussion.

All objections were answered in both houses of Congress by the great statesman of that day, and the "act for the admission of Arkansas" passed by an overwhelming vote.

Mr. John Quincy Adams, whose sentiments against slavery were intensely strong, said, in the House of Representatives: "I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by my oath to support the constitution, I can not object to the admission of Arkansas into the Union as a slave state. She is entitled to admission as a slave state, as Louisiana and Missouri have been admitted by virtue of that article in the treaty for the purchase of Louisiana, which secures to the people of the ceded territories all the rights, privileges and immunities of the original citizens of the United States, and stipulates for their admission conformably to that principle, into the Union. * * * * * Arkansas therefore comes, and has a right to come, into the Union with her slaves and her slave laws. It is *written in the bond*, and however I may lament that it ever was so written, I must faithfully perform its obligation."

The bond to which Mr. Adams refers, is the treaty. Its language in the third article is as follows: "The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

No interpretation of the foregoing article in the treaty could be more explicit and clear than the exposition by Mr. Justice Catron of the supreme court of the United States. Speaking of the whole Louisiana purchase, he says: "It was to a great extent a vacant country, having in it a few civilized inhabitants. No one portion of the colony of a proper size for a state of the Union, had a sufficient number of inhabitants to claim admission into the Union. To enable the United States to fulfill the treaty, additional population was indispensable, and obviously desired with anxiety by both sides, so that the whole country should as soon as possible become states of the Union. And for the contemplated future population, the treaty as expressly provided as it did for the inhabitants residing in the province when the treaty was made. All those were to be protected '*in the mean time*,' that is to say, at all times between the date of the treaty and the time when the portion of the territory, where the inhabitants resided, was admitted into the Union as a state."

I repeat that the admission of Arkansas was just and right. She had attained to the *status* or condition of a state, although her representative population, all told, amounted to but 47,700 persons. If she was a state then, Nebraska has a right to be a state now. And I deny that Congress has a right to place obstacles in the way of her admission, which are the manufacture of late years and not to be found in the constitution or the treaty. I can not agree, that because Congress

has the power to admit, it has unlimited discretion to deny it. The power is conferred to accomplish the end, and not to defeat it. When foreign territory is acquired for the purpose of becoming a state of the Union "*as soon as possible*," I regard him as assuming a grave responsibility, who says that a state may be kept out as long as possible. I have not been able to find any warrant for it in the constitution; and I am very sure it is not "so nominated in the bond."

The people of Florida held a convention and adopted a state constitution in 1839. Their memorial, with the proceedings of the convention and the constitution were presented to Congress early in the same year. On the 3d of March, 1845, an act for the admission of Florida (with Iowa) was passed. Not one word is said in the act about population. In the Senate the bill passed by a vote of 36 to 9, and in the House by 144 to 48.

At the time Florida was admitted, the representative ratio under the act of June 25, 1842, was 70,680 persons.

By the census of 1840, which was completed some time prior to the passage of the act of 1842, Florida showed a population of 27,943 whites, 817 free colored, and 25,717 slaves; so that about the time the apportionment act was framed, her entire *representative* population was 44,190. Compare the result of this census with that of 1850 and '51, and by fair calculation, the population of Florida on the 3d of March, 1845, did not exceed the following estimate, viz: 33,721 whites, 851 free colored, and 27,076 slaves. So that her *representative* population when she was admitted as a state, may be fairly set down at 50,818, or 19,862 less than the ratio of one representative under the then existing law.

The people of Florida, as early as 1839, thought they were fit to become a state and bear its burdens. In the course of five or six years, Congress came to the same conclusion, by the very large vote which I have quoted. The historians of the time do not tell us that there was any conception or sense of injustice to the existing states, because the population of Florida was so small. Mr. Benton says, Iowa and Florida were admitted "*without a struggle*." Iowa has increased in population and wealth since her admission, to a wonderful degree, and is already one of the great western states of the Union; while no one dare say, for a moment, that Florida has not fully justified her claims to fellowship and equality with the other states of the confederacy.

But if the rule of population, enough for at least one representative, is to be established, and is to govern the claim of every future state for admission into the Union, let us look a little at its practical operation. Nebraska has at this time, say, not more than 50,000 or 60,000 inhabitants, at all events, she has less than 93,423. In the year 1860, her constituted authorities call a convention confessedly lawful, the people approve, a constitution is adopted and ratified, a memorial in due form is presented, embodying our prayer for admission. All agree that there is no objection to the constitution, but we are told that, not having 93,423 inhabitants, Nebraska is not fit to be admitted as a state of the Union, and she is rejected, possibly by the votes of Massachusetts, Rhode Island, Pennsylvania, Delaware, Kentucky, Tennessee,

Indiana, Florida and South Carolina. A new census is taken in 1860 and '61, and is followed by a new apportionment. Nebraska by this time numbers 93,423 inhabitants, and she again comes and prays for her place, her constitutional and stipulated place amongst the independent states of the confederacy. Is the door opened, and does she enter? No. Why not? Congress says to her, we have increased the ratio of representation to 120,000, and although you were fit two years ago, you are not now. Not because you have changed, but because we have, And she is turned away with a heart made sick by hope deferred, to seek such consolation as they can find, who feel that they have no future. A formidable objection to the admission of any new state without this "*requisite population*," is alleged injustice done to existing states. Whereas a territory has but a delegate without a vote, as a state she would have a representative with a vote, and a voice equal to that of any other representative on the floor of Congress. Even so. And this is precisely what was contemplated when this Territory was acquired in 1803, and the present temporary government was constructed in 1854.

But for the purpose of fully understanding the injustice done to existing States, let us consider the facts relative to representation, as they exist under the apportionment made after the census of 1850.

The ratio of apportionment among the several states was, and is 93,423. By that census Delaware showed a representative population of 90,616. She falls short nearly 3,000, although she is one of the "old thirteen." By the same census Florida is able to exhibit a population of 47,211 whites, and in all a representative population of 71,720. She falls short 21,703, and would surely not feel either sensitive or sore if Nebraska had one representative with her. Still further, the whole number of representatives is 233, and the ratio of apportionment only furnishes 220, leaving 13 to be assigned to the states having the largest residuary fractions. By this assignment, Massachusetts gets a representative for a fraction of 60,204; Rhode Island one for 54,122; Pennsylvania one for 69,634; Tennessee one for 66,023; Kentucky one for 57,205; Indiana one for 54,186; and South Carolina one for 47,398.

It is reasonable to say that amongst these states, at least, the sense of injustice would not be very acute nor lasting, I think I wronged them, one and all, when I suffered myself to suppose, for a moment, that Nebraska could possibly be rejected by their votes, merely because her representative might not be able to say, my constituents number not one less than 93,423.

Here I leave the subject. I offer no apology for occupying so much of your time with its investigation. I believe that the people of the Territory, by a large and decided majority, are in favor of an early state organization, and am persuaded that all their interests would be advanced and increased "in some thirty, in some sixty, and in some an hundred fold," if we were received into fellowship with the States of the Union. We need but cast our eyes from this capitol, eastward, and beyond a single river, to see the difference between a dependent Territory and an independent state. It is true the General Government is

Tuesday, December 6, 1859.

liberal and pays the expenses of our Territorial machinery. But it is equally true that we pay our full share of the taxes by which the General Government is sustained, *and we have no representation*. As consumers of imports, and to no indifferent extent, we are taxed like the people of a state.

The people of this Territory bear their proportion of the national burdens, not only without complaint, but cheerfully. They are loyal to the constitution and the laws of the country, and recognize no patriotism but that which is large enough for the whole country.

We may here turn to our past history as a Territory, and find material for pleasant meditation. Individual faults and occasional infractions of the law are of course upon the record; but not a page is darkened by the registry of a single outbreak amongst the people. Our growth in population and prosperity has been equal to the most sanguine expectation. Of agricultural supplies we already produce far more than we consume, and we may reasonably hope that but a few years will roll round before Nebraska will be as well known in the markets of the world, as the oldest and largest grain growing States of the Republic. A railroad to the Pacific ocean is no longer a problem without a solution, and its construction and completion are but a question of time.

These prairies will all be peopled from the great river to the mountains. The farm house and the school house will decorate the plains, and temples reared to the living God will resound with praises from living and grateful hearts. This is the mighty and majestic future to which we look, almost, with the assurance of a Divine faith. Our fathers saw this day and were glad. And when this "goodly frame"—without a parallel on the earth—"this Union"—was first conceived, they trusted in Jehovah, and were not disappointed. They knew as we know, that "there is a special Providence in the fall of a sparrow," and in the rise and fall of nations.

That their fate, who have fallen, may not be ours, and that our country may continue to rise and increase in just power, in excellence and in virtue, should be and will be, in all parts of it and in all time to come, as in times past, the invocation and prayer of the patriot.

SAMUEL W. BLACK.

Executive Chamber, Omaha, December 6th, 1859.

AUDITOR'S REPORT.

OMAHA, December 1, 1859.

Hon. Samuel W. Black,
Governor of Nebraska :

Dear Sir—In accordance with former usage, I have the honor to submit for your consideration, a condensed statement of the liabilities and resources of the Territory, since the report made the last session of the Legislature.

Tuesday, December 6th, 1859.

LIABILITIES.

Balance as per Report of September 20, 1858..... \$
Amount of Warrants issued from September 20, 1858, to
November 1, 1859, in accordance with the various laws, ..
\$
Deduct amount of Warrants redeemed by the Treasurer from
Sept. 20, 1858, to November 1, 1859.....
\$

RESOURCES.

Amount of Territorial Revenue accruing from the levy of taxes
during the present year, and payable in January, 1860, ..
Balance..... \$

Of the amount of Warrants issued from September 20, 1858, to November 1, 1859 (\$16,459.95), about one-half of this amount represents liabilities incurred during the years 1857 and '58, leaving the remainder about \$8000 as the expenses of the Territory for the current year.

The Revenue law passed at the last session of the Legislature, has, so far as I am able to judge, been generally carried into effect in all the regularly organized counties, with one exception (Custer county), promptly reported the amount of taxable property, and the levy of taxes for Territorial purpose made, from which an estimate of amount of resources as above named.

There are some defects in the law, which probably ought to be amended; but as they are not of a serious nature, the question is whether it had not better remain as it is, until it becomes familiar to all the officers who have duties to perform under it. It is a practical revenue law that has existed since the organization of the Territory, and so far, has operated well; and it will be safe to say that in another year the present territorial debt can all be paid off by the operations.

I have been requested to bring to your notice the fact, that the courts have sentenced criminals to the penitentiary, thereby incurring the keeping of them a territorial expense. There is no law at present providing for the issuing of warrants for any such purpose, and I call your attention to it, that the matter may be referred to the proper committee, during the present session of the legislature.

As there has been no revenue paid into the territorial treasury since the present law, and will not likely be until the time required (January next), I deem it unnecessary to extend this report to any great length at this time. During the session of the Legislature, it will be my pleasure to furnish to the committees any information required, and the fees, salaries and accounts audited during the year, and all matters connected with this office.

Respectfully, your obedient servant,
ROBERT C. JORDAN
Territorial Agent

Tuesday, December 6th, 1859.

TREASURER'S REPORT.

OFFICE OF THE TERRITORIAL TREASURER, }
Omaha, N. T., Nov. 15, 1859. }

Hon. Samuel W. Black,

Governor of Nebraska:

Sir—I transmit herewith, as required by law, a statement of the condition of the Territorial Treasury, showing a balance on hand of \$42.89.

Since my last annual statement, the receipts of the treasury have been small, as but few counties have made any returns of taxes, and the small amount paid has been in warrants, with a trifling exception.

W. W. WYMAN,
Territorial Treasurer.

Territory of Nebraska, in account with W. W. Wyman, Territorial Treasurer.

	Dr.	Cr.
1856.		
May 14. By amount received of W. Caldwell, Treasurer of Cass county,.....		\$66.30
June 16. By amount received of Isaac Underwood, Treasurer Dodge county,.....		20.20
do 16. To amount paid I. Underwood, Treasurer, mileage and fees,.....	\$14.50	
do 16. By amount received of W. Hoblitzel, Treasurer Nemaha county,.....		30.00
July 1. By amount received of F. R. West, on Territorial bonds,.....		4,000.00
1857.		
Jan. 1. To paid semi-annual interest on Territorial bonds,.....	300.00	
Feb. 13. By amount received of J. W. Pearman, Treasurer Otoe county,.....		250.00
July 7. By amount received of T. G. Goodwill, Treasurer Douglas county,.....		377.67
do 18. By amount received of J. W. Pearman, Treasurer Otoe county,.....		108.33
Aug. 13. By amount received of Admin. T. G. Goodwill, Treasurer Douglas co.,..		978.06
do 16. To paid semi-annual interest on Territorial bonds,.....	300.00	
Sept. 10. By amount received of J. D. N. Thompson, Dep. Treasurer, Douglas co.,..		260.00
1858.		
Jan. 4. To paid on interest due on Territorial bonds,.....	55.00	
Dec. 16. By amount received of Treasurer of Otoe county, in Warrants,.....		378.46

Tuesday, December 6th, 1859.

1859.

Jan. 13.	By amount received of Treasurer, Otoe county—Warrants, \$766.88; cash, \$21.33,	
Aug. 12.	By amount received of Isaac Cook, Treasurer Richardson county, for tax of 1858—Warrants, \$187.25; cash, \$12.75.....	
do 12.	To allowed I. Cook, Treasurer, mileage fees,	\$25.00
*Oct. 15.	By amount received of J. R. Little, Treasurer Johnson county, tax 1857, in Warrants,	
do 15.	To allowed J. R. Little, Treasurer, mileage fees,	20.00
do 28.	By amount received of J. R. Little, Treasurer Johnson co., tax 1858—Warrants, \$30.25; cash, \$14.58,...	
do 28.	To allowed J. R. Little, Treasurer, mileage fees,	20.00
	To amount of Warrants in the Treasury,	\$6,715.80
	Interest paid,	107.62
	Balance in the Treasury,	6,823.42
		42.89
		<hr/>
		\$7,600.81
	Balance due the Territory,	

LIBRARIAN'S REPORT.

OFFICE OF THE TERRITORIAL LIBRARIAN
Omaha, N. T., Dec. 3, 1859.

To his Excellency Samuel W. Black,
Governor of Nebraska:

Sir—I have the honor to submit herewith, a statement of the of the Library, which has now been in my charge a little more than one year, together with a catalogue of the law books therein.

It will be seen that the state publications of nearly all the territories have been received in exchange for those transmitted to you, for the use of their state libraries. Having corresponded with the secretaries of the different states who have not exchanged, I am enabled to report, that it is owing to a want of authority on the part of the officers of the different states, from the Legislatures thereof.

I would therefore suggest, that the Legislative Assembly be requested to pass a joint resolution, asking of each of the different states of the Union, an exchange of their documents, reports, &c.

I have received, arranged and labeled the recent purchases.

volumes, made by your Excellency, from the unexpended balance of the original appropriation of five thousand dollars, made in 1855, and have placed them, by their title, in the catalogue accompanying my report. This addition very nearly completes the sets of reports, which have been, unavoidably, broken during the three years preceding my connection with the office, and furnishes to the courts and bar of our Territory an inestimable amount of legal information.

The Secretary of the Territory, Hon. J. Sterling Morton, has kindly furnished a room, in which the documental branch of our library has been arranged in a safe and commodious manner, as well as the laws and journals of our own publication.

Nearly all the books in the Law Library, all of those in the Miscellaneous Library, and a large portion of the documental branch of the library have been carefully arranged and labeled, thus far, at my own expense.

Thanks are especially due to Samuel B. Woolworth, Esq., Secretary to the Board of Regents of the State of New York; Charles J. Hoadley, Esq., State Librarian of Connecticut; John R. Bartlett, Esq., Secretary of State for Rhode Island; and George S. Boutwell, Esq., State Librarian of Massachusetts, for valuable additions to our Law and Historical Library.

Many of the files of newspapers heretofore published in this Territory, which I have received from my predecessor, John H. Kellom, Esq., are in a mutilated condition, and I deem it prudent to recommend an appropriation to defray the expenses of binding them, and those which may accumulate during the coming year.

In conclusion, I would respectfully call your attention to the small allowance made to the Librarian as compensation for services which require his constant attention; added to which, are the duties imposed upon him by an act, entitled "An act for the better regulation of schools in Nebraska," which makes him Secretary to the Terr. Com. of Common Schools, and request that you recommend an increase of salary sufficient to warrant him in a faithful attendance to the duties enjoined upon him by law; also, that some measure be taken to defray the expenses of printing, postage, &c., incident to the office itself.

The above acknowledgments, suggestions, &c., with the following catalogue, are respectfully submitted.

ALONZO D. LUCE,
Territorial Librarian.

Alabama.

Laws of 1856, 1857.

Received—Vols. 31 and 32 of New Series of Reports of; Second Biennial Geological Report of.

Arkansas.

Vols. 1, 2, 3, 4, 5, Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, English Reports of; vol. 16 Reports of.

Received—First vol. Geological Report of; Digest of the Statutes of 1858.

California.

Vols. 3, 4, 5, 6, 7, 8, 9 (duplicate copies), Reports of; Statutes of, from '54 to '57, inclusive.

Received—Vols. 10 and 11 (duplicate copies), Reports of; Statutes of 1858 and 1859; Senate Journal, duplicate copies of; Assembly Journal, duplicate copies of; Appendix to Senate and Assembly Journal of; Transactions State Agricultural Society of.

Connecticut.

Vols. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, Reports of; vols. 3, 4, Private Laws of; Compilation of 1854, Laws of; Public Laws of 1855, 1856 and 1857.

Received—Public Acts of 1858, 1859; Journals of Assembly, 1858; New Haven Colonial Record, 2 vols.; Colonial Record of Connecticut, 2 vols.

Delaware.

No Reports or laws received of.

Florida.

Vols. 4, 5, 6, Reports of; duplicate Journal House of Representatives, 7th session; duplicate Journal Senate, 7th session.

Received—Duplicate Journal House of Representatives, 8th session; duplicate Journal Senate, 8th session; duplicate Journal House of Representatives, 9th session; duplicate copies of Laws 8th and 9th session; vols. 7 and 8 Reports of.

Georgia.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, Reports of.
No Reports or Laws received.

Illinois.

Vols. 2, 3, 4, Scammon's Reports of; vols. 1, 2, 3, 4, 5, Gillman's Reports of; vols. 11, 12, 13, 14, 15, 16, 17, 18, Reports of; vols. 1, 2, Freeman's Digest of Reports; Laws of 1854, 1855, 1856, 1857; vols. 19 and 20 Reports of.

Received—Vols. 1 and 2 Statutes of, D. B. Cooke & Co.'s edition; 3 copies of Laws of 1859.

Indiana.

Reports of 1848, 1849; vols. 1, 2, Carter's Reports of; vols. 3, 4, 5, 6, 7, Porter's Reports of; vols. 8, 9, Tanner's Reports of; Assembly Journals, 1857; Revised Statutes of Indiana.

Iowa.

Vols. 1, 2, 3, G. Green's Reports of; vols. 1, 2, 3, 4, Clark's Reports of; Statutes of 1843; Code of Iowa, 1851; School laws of 1855; Laws of 1857; Code of 1856.

Received—Vols. 5, 6, Clark's Reports; Laws of 1858.

Tuesday, December 6th, 1859.

Kansas Territory.

Statutes of 1855; Laws of 1857, 1858; Journals of House and Council, 1857.

Kentucky.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, Monroe's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, Dana's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, B. Monroe's Reports; Revised Statutes of 1852; vols. 1, 2, 3, 4, 5, 6, 7, J. J. Marshall's Reports; vols. 1, 2, Monroe and Harlan's Digest Reports of; Acts of Kentucky (triplicate copies), '53, '54; Acts of Kentucky (duplicate copies), '55, '56.

Received—Vol. 1 Metcalf's Reports.

Louisiana.

Vols. 1 to 10, Martin's Reports of; vols. 1 to 10, Reports of; vols. 1 to 12, Robinson's Reports of.

No laws or Reports received.

Maine.

Vols. from 1 to 42 inclusive, Reports.

Received—Revised Statutes 1857; Laws of '57, '58, '59 (duplicate copies); vols. 43, 44, Reports of; Virgin's Digest of.

Maryland.

Vols. from 1 to 9, Gills' Reports of; Laws of 1856, 1858; Convention Journals, 1851; Senate and House Journals, '56, '57, '58.

No Laws or Reports received.

Massachusetts.

Vols. 1, 2, 3, Gray's Reports; vols. from 1* to 17 inclusive, Reports of; vols. from 1 to 21 inclusive, Pickering's Reports of; vols. from 1 to 12 inclusive, Metcalf's Reports of; Laws of 1856, 1857; vols. from 1 to 9 inclusive, Cushing's Reports of; Catalogue of State Library.

Received—Laws of 1858, 1859; 9 vols. Plymouth Colony Record; vols. 10, 11, Cushing's Reports; Public Documents, 1858, 1859; vols. 4, 5, 6, Gray's Reports.

Michigan.

Vol. 1, Manning's Reports; vol. 1, Walker's Chancery Reports; vols. 1, 2, Douglass's Reports; vols. 2, 3, 4, Gibbs's Report; Laws of 1867.

Received—Vols. 1, 2, Cooley's Reports; Laws of 1859; School Reports of 1855, '56, '57; Transactions Agricultural Society 1857.

Minnesota.

Received—Vol. 1, Reports of; Statutes of, from 1849 to 1858; Laws of 1858, 1859; Constitutional Debates of.

Mississippi.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Smeeds and Marshall's Reports; vols. 1, 2, Cushman's Reports.

Received—Vols. 3, 4, George's Reports; Assembly Journals, 1858; Laws 1858.

Missouri.

Vols. 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, Reports of Digest of Reports Casselberry; Laws of 1857; Barklay's Digest of Reports.

New Hampshire.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Reports of; vols. 13, 19, Second series Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Foster's Reports of; vols. 1, 2, 3, 4, Fogg's Reports of; Bell's Digest of Reports of; Journals of Assembly, 1856, '57, '58, '59.

Received—Vols. 5, 6, Fogg's Reports; 12th Report of Com. Schools; Catalogue of State Library; Laws of 1858.

New Jersey.

Vol. 1, Green's Report of; vols. 2, 3, 4, Harrison's Report of; vol. 1, Spencer's Report of; 1, 2, Southard's Reports of; vols. 1, 2, 3, 4, Zabrisckie's Reports of; vols. 1, 2, 3, Green's Chancery Reports of; vols. 1, 2, Stockton's Chancery Report of; Nixon's Digest of Laws, 1709 to 1855. Laws of 1855, '56, '57.

Received—Vol. 2, Dutcher's Report; Laws of 1859.

New Mexico.

Laws of 1855, '56, '57; Diarodel Consejo, 1854, '55, '56, '57.

New York.

Vols. 1 to 20 inclusive, Johnson's Reports; vols. 1 to 11, Paige's Chancery Reports; vols. 1 to 9, Cowen's Reports; vols. 1 to 26, Wendell's Reports; vols. 1 to 70, Hill's Reports; vols. 1 to 5, Denio's Reports; vols. 1 to 4, Court of Appeals, Comstock; 1 to 4, Kernan's Reports of Appeals; vols. 1 to 5, Selden's Reports of Appeals; vols. 1 to 4, Smith's Reports of Appeals; vols. 1 to 7, Johnson's Chancery Reports; vol. 1, Hopkins's Chancery Report.

Received—Vols. 1, 2, 3, Revised Statutes, second edition, from 1828 to 1835; Laws of New York from 1836 to 1859, inclusive; 1 vol. Tax Laws; Index to Laws, from 1842 to 1855; Code of Criminal Procedure; 1 vol. Poor Laws; vols. 1, 2, 3, 4, Report of the Commissioners on Practice and Pleadings of Code of Procedure; 1 Sup. to the Code Procedure; Special acts of Code of Civil and Criminal Procedure; vols. 1 to 10 inclusive, Colonial History; Convention Journal, 1846; 11 copies 71st Report Regents University; 1 copy 11th Report Regents University; 1 copy 72d Report Regents University; 22 vols. Documents Assembly, 1857 to 1859; Report of Trustees of State Library; vols. 1 to 3, Johnson's Cases; vols. 1 to 3, Came's Reports; Code of Public Instruction; General Index to Laws of 1842; Code of Civil Procedure; vols. 1, 2, 3, Barbour's Chancery Reports; Parker's Criminal Reports, 2 vols.

North Carolina.

Vols. 1 to 13, inclusive, Iredell's Law Reports; vol. 1, Busbee's Law Report; vol. 1, Jones's Digest of Reports; vols. 2, 3, 4, 5, Jones's Law

Tuesday, December 6th, 1859.

Reports; vols. 1, 2, Devereux's Equity; vols. 1 to 8, inclusive, Iredell's Equity; vol. 1, Busbee's Equity; vols. 2, 3, Jones' Equity; Revised Code of 1855; Laws of 1854, '55, '56, '57.

Ohio.

Vols. 1 to 9, inclusive, Hammond's Rev. Reports; vols. 1 to 6, Hammond's State Reports; vol. 1, Supreme State Reports; vol. 1, Swan's Statutes, Derby's edition.

Received—Vols. 7, 8, Ohio State Reports; Duplicate copies Ohio School Laws, 1858; Laws of Ohio, 1808; Nash's Digest.

Oregon.

Received—Laws of 1857, 1858; Journals of Council and House, 1857, 1858.

Pennsylvania.

Vols. 1, 2, 3, 4, Dallas's Reports; vols. 1, 2, 3, Reports of; vols. 1 to 10, inclusive, Watts' Reports; vols. 1, 2, 3, 4, 6, 7, 8, 9, Watts' and Seargent's Reports; vols. 1 to 17, inclusive, Seargent's and Rawl's Reports; vols. 1 to 23, inclusive, and vol. 25, State Reports; Laws of, from 1789 to 1850; Laws of, from 1856 to 1857.

Received—Laws of 1858, 1859.

Rhode Island.

Received—Vols. 1, 2, 3, 4, 5, Reports of; Laws of 1855, '56, '57, '58, '59; Laws January and May sessions, 1858; Revised Statutes of; 4 vols. Colonial Records; Supplement to Revised Statutes; Index to Acts and Resolutions, 1758 to 1850; Census of the Colony, 1774; Report General Assembly, 1856, '57, '58, '59.

South Carolina.

Vols. 1, 2, McCord's Reports of; vols. 1, 2, Nott and McCord's Reports; Harper's Law Reports; vol. 9, Richardson's Law Reports; vol. 1, Bailey's Equity Law Reports; vols. 1, 2, 3, 4, Equity Reports; vol. 1 Cheever Law cases; vol. 1, Cheever Chancery cases; Acts, Report of General Assembly, 1857.

Tennessee.

Vols. 2, 3, 4, Sneed's Reports.

Received—Vol. 5, Sneed's Reports; (duplicate copies) Code of Tennessee; Laws of 1857, 1858.

Texas.

Vols. 11, 13, 14, 15, 16, 17, 18, 19, 20, Reports; vol. 1. Digest of Reports; Laws of 1855, 1856; Codes of 1857; Laws of 1857, 1858; Oldham's and White's Digest Laws of; House and Senate Journals.

Utah Territory.

Revised Laws of 1855.

Received—Laws of 1858.

Vermont.

Vols. 1 to 24, inclusive, Reports of; vols. 1, 2, Tyler's Reports; vol. 1, Chapman's Reports; Reports of cases, 1793, 1821, 1824.

Received—Vols. 28, 29, 30, Williams's Reports; Laws of 1858; Catalogue of State Library; History of, by B. H. Hall; Sermon delivered before General Assembly; Report of Auditor of Apc., 1859; Report on the Artificial of Fish; Report of Railroad Courts of 1859; Report of Com. on Dred Scott decision; Geological Report of 1859; Report of the Geological Survey; Report on the Marbles of Vermont; Report of the Auditor of Accounts; Report (3d) of the Railroad Commissioner; Report (2d) of the Board of Education; Journals of Assembly, 1856, '57-'58, '59; First Registration Report, &c.

Virginia.

Vols. 1, 2, 3, 4, Hewing and Munford's Report; vols. 1, 2, 3, 4, 5, 6, Munford's Reports; vols. 1, 2, 3, 4, 5, 6, Randolph's Reports; vol. 1, State Reports; vols. 1 to 12, inclusive, Lee's Reports; vols. 1, 2, Robinson's Reports.

Received—Journals of House Delegates; vols. 1, 2, 3, 4, 5, parts December Session, 1857, 1858; Laws of 1857, 1858.

Washington Territory.

Laws of 1856, 1857; Journal of Council and House, 1856, 1857.

Received—Laws of 1858; Journals of 1858.

Wisconsin.

Vols. 1, 2, 3, 4, 5, Reports of; vols. 1, 2, 3, 4, Chandler's Reports.

Received—Vol. 6, Wisconsin Reports; Private Laws of 1854; Laws of 1854; Private Laws of 1857; Laws of 1857; Private Laws of 1858; Revised Statutes of 1858.

~ MISCELLANEOUS LAW LIBRARY.

Abbott on Shipping, 1 vol.; Adams on Ejectment, 1 vol.; Adams on Equity, 1 vol.; Angell on Law of Carriers, 1 vol.; Angell on Fire and Life Insurance, 1 vol.; Angell on Limitations, 1 vol.; Archbold's Criminal Practice and Pleading, 3 vols.

Bacon's Abridgment, 10 vols.; Beck's Medical Jurisprudence, 2 vols.; Bishop on Marriage and Divorce, 1 vol.; Bingham on Infancy, 1 vol.; Blackstone's Commentaries, Chitty, 2 vols.; Bright on Husband and Wife, 2 vols.; Browne's Civil and Admiralty Law, 2 vols.; Browne on Statute of Frauds, 1 vol.; Broom's Legal Maxims, 1 vol.; Bouvier's Law Dictionary, 2 vols.; Bouvier's Institutes, vol. 2; Burrill's Law Dictionary, 2 vols.

Cobb on Slavery, 1 vol.; Conkling's Treatise, 1 vol.; Curtis on Copyright, 1 vol.; Curtis on Patents, 1 vol.; Chitty on Bills, 1 vol.; Chitty's Pleading, 3 vols.; Chitty's Criminal Law, 1 vol.; Coke upon Littleton, 2 vols.

Dayton on Surrogates, 1 vol.; Dunlap's Admiralty Practice, 1 vol.; Dunlap's Paley's Agency, 1 vol.; Domat's Civil Law—Strahan.

Edwards on Receivers in Equity, 1 vol.; Edwards on Bills and Promissory Notes, 1 vol.; Edwards on Bailments, 1 vol.; English Law and Equity Reports, 24 vols.; English Common Law Reports, 91 vols.; English Chancery Reports, 43 vols.; English Courts of Admiralty Reports (Robinson), vol. 6; Exchequer Reports, Crompton and Jervis, 2 vols.; Exchequer Reports, Crompton, Meeson and Roscoe's, 2 vols.; Exchequer Reports, Crompton and Meeson's, 2 vols.; Exchequer Reports, McLeland and Younge's, 1 vol.; Exchequer Reports, Younge and Jervis, 3 vols.; Exchequer Reports, Welsby, Hurlstone and Jordon's, 10 vols.; Exchequer Reports, Muson and Welsby's, 16 vols.

Fearne on Remainders, 2 vols.

Graham and Waterman's New Trials, 3 vols.; Gow on Partnership, 1 vol.; Gould's Pleadings, 1 vol.; Greenleaf's Overruled Cases, 1 vol.

Hilliard on Mortgages, 1 vol.; Hawkins' Pleas of the Crown, 2 vols.; Hill on Trustees, 1 vol.

Jarman on Wills, 2 vols.

Kent's Commentaries, 4 vols.; Kyd on Awards, 1 vol.

Leading cases in Equity (Hare and Wallace's notes), 3 vols.

Marshall on Insurance, 2 vols.; Mitford's Chancery Pleadings (English), 1 vol.; Miscellaneous Library, 253 vols.; Morehead's Practice, 1 vol.

Parsons on Contracts, 2 vols.; Phillips on Insurance, 2 vols.; Phillips on Evidence, 5 vols.

Roberts on Frauds, 1 vol.; Roper on Legacies, 2 vols.; Roscoe's Criminal Evidence, 1 vol.; Russell on Crimes, 1 vol.

Saunders on Pleadings and Evidence, 3 vols.; Sedgwick on Measure of Damages, 1 vol.; Sheppard's Touchstone, 3 vols.; Smith's Commentaries on Constitutional Construction, 1 vol.; Smith's Leading cases, 2 vols.; Starkie on Slander, 2 vols.; Story on Agency, 1 vol.; Story on Bailments, 1 vol.; Story on Constitution, vol. 2; Story on Contracts, 1 vol.; Story on Conflict of Laws, 1 vol.; Story on Equity Pleadings, 1 vol.; Story on Equity, vol. 2; Story on Partnerships, 1 vol.; Story on Sales, 1 vol.; Sugden on Vendors, 1 vol.

The Reporters, by John W. Wallace, 1 vol.

U. S. Statutes, Reports, &c.—Cranch's Reports of, vols. 3, 4, 5, 6, 7, 8, 9; Wheaton's Reports of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; Peter's Reports of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Howard's Reports of, from 1 to 21 inclusive; McLean's Reports of, vols. 1, 2, 3, 4, 5, 6; Gordon's Digest of; Opinions of Attorney-Generals, from 1789 to 1850; Opinions of Attorney-Generals, vols. 1, 2, 3, 4, 5; Statutes at large of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11; Digest of Laws of, vols. 7, 8, 9, 10, 11, 12, 13, 14. Annals of Congress of, from its first session to the 2d vol. of the first session of the 18th Congress, 55 vols. American Archives of, from 1774 to 1776, 6 vols. Documents of Congress, 1,092 vols. Exploring Expedition of Charles Wilkes, 10 vols.

Viner's Abridgment, 24 vols.; Viner's Supplement, 6 vols.

Waterman's Eden on Injunctions, 1 vol.; Wheaton's Selwyn, 2 vols.; Wigram on Discovery, 1 vol.; Willard's Equity Jurisprudence, 1 vol.

Received—The Monthly Journal of American Geographical and Statistical Society, 9 numbers.

The Governor having concluded his message,
On motion of Mr. Reeves of Otoe,
The Joint Convention was dissolved.

The House having resumed business,
Mr. Nuckolls of Otoe offered the following:

Resolved, That the Clerk be requested to furnish three thousand copies of the Governor's message and accompanying documents for the use of the members of the House.

On motion,
Adopted.

After which,

On motion of Mr. Campbell of Otoe,
The House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
Wednesday, December 7th, 1859. }

House met at 10 o'clock, A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

A quorum being present the Journal of yesterday's session read, amended and approved.

On motion of Mr. Hanscom of Douglas,

The resolution offered by Mr. Marquette of Cass yesterday, for the purpose of adopting the Rules of the House of last session, and Jefferson's Manual, when not in conflict with such rules, for the government of the House during the present session and which was laid over under the rule, was taken up and adopted.

The Speaker then announced the following

Standing Committees.

Privileges and Elections—Messrs. Bates, Arnett, Tufts, Nuckolls of Otoe and Lake.

Ways and Means—Messrs. Campbell, Johnson, McCasland, Baker and Bowen.

Judiciary—Messrs. Lake, Belden, Brodhead, Marquette and Tufts.

Accounts and Expenditures—Messrs. Keeling, Rogers, Davis, Stephenson and Bowen.

Agriculture—Messrs. Johnson, Rogers, Davis, Maxwell and Burbank.

Roads—Messrs. Arnett, McCasland, Burbank, Maxwell and Myers.

Militia—Messrs. Kennedy, Adams, Goshen, Latta and Marquette.

Public Buildings and Grounds—Messrs. Belden, Shields, Stewart, Nuckolls of Richardson, and Latta.

Internal Improvements—Messrs. Hinsdale, Malcolm, Campbell, Noel and Stewart.

Federal Relations—Messrs. Brodhead, Keeling, Taffe, Adams and Barnard.

Engrossment and Enrolled Bills—Messrs. Noel and Reynolds.

Boundaries and County Seats—Messrs. Tufts, Reck, Stewart, Goshen and Nuckolls of Richardson.

Corporations—Messrs. Hanscom, Kennedy, Bates, Reck and Crowe.

Library—Messrs. Taffe, Baker, Stephenson, Bain and Maxwell.

Banks and Currency—Messrs. Collier, Bates, Shields, Hanscom and Crowe.

Public Schools—Messrs. Reynolds, Collier, Bernard, Myers and Bain.

Public Printing—Messrs. Nuckolls of Otoe, Malcolm, Hinsdale, Reynolds and Hanscom.

Mr. Reck of Platte, moved, that the Clerk be instructed to procure 200 copies of the list of Standing Committees of the House for the use of the members.

Carried.

Mr. Campbell of Otoe, moved that the Clerk be directed to procure 100 copies of the Rules of the last House for the use of members.

Carried.

Mr. Brodhead of Otoe,

Gave notice that he will, on to-morrow or some subsequent day, introduce a bill to provide for a constitution and state government for the State of Nebraska.

By Mr. Hinsdale of Dakota,

Of a bill to legalize the act of William Pilgram, late Register of Deeds in and for Dakota county.

By Mr. Johnson of Douglas,

Of a bill to amend the revenue law.

Also,

Of a bill to amend the road law.

Also,

Of a bill to amend the laws regulating the fees of the different officers.

By Mr. Belden of Douglas,

Of a bill providing for the punishment of criminals in certain cases.

Also,

Of a bill for an act to amend "An act respecting jurors," approved November 2, 1858.

By Mr. Nuckolls of Otoe,

Of a bill for an act to regulate and establish the rate of interest on money and on contracts.

By Mr. Maxwell of Cass,

Of a bill providing for the compilation of the laws of Nebraska.

Also,

Of a bill to provide for the foreclosure of mortgages by advertisement.

- By Mr. Davis of Cass,
Of a bill providing for the taking up and disposal of estrays.
By Mr. Brodhead of Otoe,
Of a bill providing for the election of coroners.
By Mr. Marquette of Cass,
Of a bill for a valuation and appraisement law.
Also,
Of a bill to abolish and prohibit slavery in this Territory.
Also,
Of a bill to regulate the fees of county and other officers.
Also,
Of a bill to exempt the homestead of families from forced sale on execution to pay debts.
Also,
Of a bill regulating the legal rate of interest on money.
By Mr. Reynolds of Otoe,
Of a bill to regulate legal advertising in this Territory.
Also,
Of a bill entitled "A homestead act."
By Mr. Nuckolls of Otoe,
Of a bill for an act to repeal an act to authorize John Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.
By Mr. Tufts of L'eau-qui-Court,
Of a bill to incorporate the J. D. M. Crockwell hydraulic manufacturing company in Dakota county.
By Mr. Brodhead of Otoe,
Of a bill to incorporate the great Missouri river highway cut-off (by the Zezeka route) manufacturing company, in Dakota county.
By Mr. Goshen of Johnson,
Of a bill for the relief of Johnson county.
Also,
Of a bill to legalize the first organization of Gage county.
By Mr. Campbell of Otoe,
Of a bill to repeal an act entitled, "An act providing for the better regulation of schools in Nebraska."

Mr. Campbell of Otoe, presented the certificate of election of James M. Arnott of Sarpy county,

Whereupon, the oath of office was administered to Mr. Arnott by the Speaker.

Mr. Hanscom of Douglas, offered the following resolution:

Resolved, By the House of Representatives of the Territory of Nebraska, that the Governor, Secretary, Judges of the Supreme Court, Members of the Council and Ex-Members of the Legislature, be, and hereby are invited to take seats within the bar of this House, at pleasure.

Mr. Reynolds of Otoe, offered the following amendment:

That editors of the Territory and commissioned correspondents of the press of the country be also invited to take seats within the bar.

Amendment accepted and resolution as amended
Adopted.

Mr. Latta of Cass, gave notice that he will on to-morrow, or some subsequent day, introduce a bill for the staying of executions.

By Mr. Bates of Dakota,

Of a bill to more effectually restrain the setting of prairie fires.

By Mr. Lake of Douglas,

Of a bill relating to questions reserved in the district courts.

By Mr. Adams of Otoe,

Of a bill for restraining stock in the counties of Cass, Otoe and Nemaha.

By Mr. Reck of Platte,

Of a bill to define the boundaries of Platte county.

Also,

Of a bill to regulate the rates of ferriage across the Loup Fork river.

By Mr. Bates of Dakota,

Of a bill asking for an appropriation for the purpose of bridging Black Bird creek on the Omaha reserve.

By Mr. Adams of Otoe,

Of a bill for the better regulation of elections in Nebraska Territory.

Mr. Reck of Platte, offered the following:

Resolved, By the House of Representatives of the Territory of Nebraska, that the regular hour for the meeting of the House shall be at 10 o'clock A. M.

On motion,

The resolution was adopted.

The following notices of bills were given:

By Mr. Brodhead of Otoe,

Of a bill to regulate the sale of property taken on execution, and to provide for the satisfaction of judgments.

By Mr. Reynolds of Otoe,

Of a bill to provide for the erection of a court house and jail in Otoe county.

By Mr. Baker of Nemaha,

Of a bill to incorporate the city of Peru.

By Mr. Collier of Burt,

Of a bill to locate a territorial road from De Soto to Columbus.

Also,

Of a bill to locate a territorial road from Decatur to De Soto.

Mr. Marquette of Cass, offered the following:

Resolved, That the Sergeant-at-Arms be instructed to make all ne-

cessary arrangements with the postmaster of this city, by which all mail matter directed to the members of the House may be delivered to them.

On motion,
The resolution was adopted.
The following notices of bills were given:

By Mr. Rogers of Dodge,
Of a bill to amend an act relating to town plats.

Also,
Of a bill regulating elections.

Also,
Of a bill asking an appropriation for a bridge over the Elkhorn river.

Also,
Of a bill to amend the law on marriage.

Also,
Of a bill regulating the establishment of public schools.

By Mr. Tufts of L'eau-qui-Court,
Of a bill to incorporate the town of Dixon.

By Mr. Brodhead of Otoe,
Of a bill to provide a usury law.

By Mr. Belden of Douglas,
Of a bill defining the crime of assault and battery, and prescribing the punishment thereof.

Also,
Of a bill authorizing suits upon written instruments to be brought in the name by which the same are executed.

By Mr. Bain of Otoe,
Of a bill for the organization of townships in the county of Otoe.

Mr. Davis of Cass, offered the following resolution:

Resolved, That no member of this House shall be allowed to call the previous question upon his own motion.

On motion of Mr. Hanscom,
The rule was suspended in order to take up the resolution.
Mr. Hanscom of Douglas, then moved to lay the resolution on the table, which was

Carried.
The following notices of bills were given:

By Mr. Latta of Cass,
Of a bill attaching a penalty to the 113th section of the Criminal Code of Nebraska, passed in 1858.

By Mr. Nuckolls of Otoe,
Of a bill entitled "An act to bridge Platte river.

Also,
Of a bill entitled "an act to bridge North Table creek."

Also,

Wednesday, December 7th, 1859.

Of a bill entitled "An act to bridge the north fork of Little Nemaha river."

Also,

Of a bill entitled "An act to bridge Camp creek."

Mr. Bowen of Washington, offered the following:

Resolved, That the House proceed to consider the Governor's message, and to refer portions of the same to the appropriate committees.

Adopted.

Mr. Lake of Douglas offered the following:

Resolved, That all that portion of the Governor's message to a state organization be referred to the Committee on Federal Relations.

Adopted.

Mr. Bowen of Washington, offered the following:

Resolved, That so much of the Governor's message as relates to taxation and the emoluments of officers be referred to the Committee on Ways and Means.

Adopted.

Mr. Lake of Douglas, offered the following:

Resolved, That so much of the Governor's message as relates to Capitol buildings, be referred to the Committee on Public Buildings and Grounds.

Adopted.

Mr. Marquette of Cass, offered the following:

Resolved, That so much of the Governor's message as relates to the Pawnee war, be referred to the Committee on Militia.

Adopted.

Mr. Campbell of Otoe moved that the House dispense with the further reference of the Governor's message until to-morrow.

Lost.

Mr. Belden of Douglas, offered the following:

Resolved, That so much of the Governor's message as relate to the organization of new counties in the mining region of Nebraska be referred to the Committee on County Boundaries and County Seats.

Adopted.

Mr. Hanscom of Douglas, moved that so much of the Governor's message as refers to common schools be referred to the Committee on Common Schools.

Carried.

Mr. Brodhead of Otoe, offered the following:

Resolved, That so much of the Governor's message as relates to the library, be referred to the Committee on Library.

Adopted.

Mr. Campbell of Otoe, offered the following:

Resolved, That all that portion of the Governor's message which relates to roads, be referred to the Committee on Ways and Means.

Adopted.

Mr. Rogers of Dodge, offered the following:

Resolved, That the Secretary of the Territory be requested to lay before the House any information he may have relative to the payment of moneys for newspapers and postage for members of this House.

Adopted.

Mr. Hanscom of Douglas, moved that so much of the Governor's message relative to a homestead be referred to the Committee on Judiciary.

Carried.

Mr. Tufts of L'eau-qui-Court, offered the following:

Resolved, That all that portion of the Governor's message in regard to the history, soil and climate of Nebraska, be referred to the Committee on Agriculture.

Adopted.

Mr. Collier of Burt, moved to refer that portion of the Governor's message relative to the Pacific rail road to the Committee on Federal Relations.

Carried.

Mr. Reynolds of Otoe, moved to refer that portion of the Governor's message relative to the gold fields of Nebraska, to a Special Committee of Five.

Carried, and

Messrs. Reynolds, Myers, Keeling, Campbell and Taffe appointed such committee.

Mr. Johnson of Douglas, moved that the House take a recess until 2 o'clock P. M.

Lost.

Mr. Belden of Douglas, moved that the House adjourn until 10 o'clock to-morrow morning.

Carried.

Thursday, December 8th, 1859.

HOUSE OF REPRESENTATIVES,
Thursday, December 8th, 1859. }

House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

A quorum being present, the Journal of yesterday read and approved.

Mr. Reynolds of Otoe, moved that Mr. Nuckolls of Otoe have leave of absence during the remainder of the week.

Carried.

Mr. Rogers of Dodge, presented the petition of the county commissioners of Dodge county, for certain amendments to the last clause of an act entitled "An act regulating fees and salaries of judges of probate.

The following message was received from the Council:

COUNCIL CHAMBER,
December 8th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that Messrs. Reeves, Doane and Taylor have been appointed a committee on the part of the Council to confer with a like committee on the part of the House upon the subject of a state organization, and your earliest attention to the matter is respectfully solicited.

S. M. CURRAN, Chief Clerk.

Mr. Brodhead of Otoe moved that a committee of five be appointed on the part of the House to confer with a similar committee on the part of the Council with reference to a state organization.

Carried.

Mr. Reck of Platte, introduced the following joint resolution:

Be it resolved by the Council and House of Representatives of the Territory of Nebraska, That one thousand copies of the Governor's message be printed in the German language, and that each House be entitled to five hundred copies of the same for distribution.

Read the first time.

Mr. Hanscom asked that the rule be suspended.

Agreed to.

Joint resolution was then read second and third time by its title and Passed.

The following notices of bills were given:

By Mr. Brodhead of Otoe,

Of a bill for the location of a territorial road from Nebraska city, via Helena in Johnson county, to Beatrice in Gage county.

By Mr. Keeling of Nemaha,

Of a bill for the relief of tax payers.

By Mr. Noel of Nemaha,

Of a bill restraining stock from running at large in all the organized counties south of the Platte river.

Also,

Of a bill entitled, "A homestead act."

By Mr. Maxwell of Cass,

Of a bill to define and limit the powers and duties of justices of the peace.

By Mr. Goshen of Johnson,

Of a bill to locate a territorial road, from Worrallton or Worrall's bridge in Nemaha county, to Pawnee city in Pawnee county.

Also,

Of a bill to relocate the county seat of Johnson county.

By Mr. Tufts of L'eau-qui-Court,

Of a bill to repeal an act entitled, "An act providing for the better regulation of schools in Nebraska," passed at the session of the Legislature in 1858.

Also,

Of a bill requiring each county to pay the costs in criminal cases arising in the same.

Also,

Of a bill authorizing J. Osterling to construct a mill dam on Wyoming creek in L'eau-qui-Court county.

Also,

Of a bill to settle and define the boundaries between the counties of Dixon and Cedar.

By Mr. Burbank of Richardson,

Of a bill to amend the law relating to county commissioners.

Also,

Of a bill to incorporate Falls city.

By Mr. Barnard of Hall,

Of a bill to amend an act authorizing Joel H. Johnson to keep and run a ferry across the Loup fork of the Platte river at the town of Genoa in Monroe county.

By Mr. Brodhead of Otoe,

Of a bill changing the time of holding the district court in Otoe county.

By Mr. Malcolm of Douglas,

Of a bill to provide for the protection of game in this Territory.

By Mr. Myers of Richardson,

Of a bill respecting the present school law, passed at the last session of the Legislature.

By Mr. Bates of Dakota,

Of a bill for the better protection of game in Nebraska.

By Mr. Baker of Nemaha,

Of a bill to incorporate the Peru hydraulic and manufacturing company.

Also,

Of a bill to incorporate the Peru seminary.

Also,

Thursday, December 8th, 1859.

Of a bill authorizing Wm. S. Horn to keep a ferry across the Missouri river at Peru.

By Mr. McGasland of Pawnee,

Of a bill to locate a territorial road, commencing near the south-east corner of Pawnee county, thence to Pawnee city, and thence to Beatrice on the Big Blue river.

Also,

Of a bill to build a bridge across the south fork of the Nemaha river, and asking an appropriation for the same.

By Mr. Stephenson of Cass,

Of a bill to regulate line fences and define what constitutes a lawful fence.

By Mr. Bowen of Washington,

Of a bill relating to the road fund of the respective counties, and to provide for the expenses of laying out, constructing and repairing of roads.

By Mr. Marquette of Cass,

Of a bill amending certain portions of the code of civil procedure of this Territory.

By Mr. Brodhead of Otoe,

Of a bill changing the boundaries of Butler county.

By Mr. Marquette of Cass,

Of a bill for the relief of tax payers.

By Mr. Hinsdale of Dakota,

Of a bill defining more definitely the terms of county officers.

Mr. Reck of Platte, offered the following:

Resolved, By the House of Representatives of the Territory of Nebraska, that the Speaker be, and is hereby authorized to appoint a committee of two, on the part of the House, to act with a like committee on the part of the Council, to translate and superintend the printing of the Governor's message in the German language.

Adopted.

Messrs. Reck and Bain were appointed such committee.

The following notices of bills were given:

By Mr. Davis of Cass,

Of a bill to exempt certain personal property from forced sale on execution to pay debts.

By Mr. Keeling of Nemaha,

Of a bill to legalize the official acts of the corporate authorities of the town of Nemaha City.

Also,

Of a bill to amend the charter of the town of Nemaha City.

By Mr. Belden of Douglas,

Of a bill entitled, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts.

By Mr. Nuckolls of Richardson,
Of a bill authorizing Stephen Story, J. G. Lewis and H. R. Price to keep a ferry across the Missouri river at St. Stephens.

On motion,

The petition presented by Mr. Rogers, of the county commissioners of Dodge county, praying for certain amendments to the law relating to judges of probate, was referred to the Committee on Accounts and Expenditures.

Mr. Bain of Otoe, gave notice

Of a bill to provide for the election of assessors, road supervisors and other district officers in the county of Otoe.

The Speaker appointed

Messrs. Brodhead, Taffe, Noel, Tufts, and Nuckolls of Richardson, a committee on the part of the House, to confer with a similar committee already appointed by the Council, with reference to a state organization.

Mr. Belden of Douglas, introduced

H. F. No. 1, "A bill entitled an act providing for the punishment of criminals in certain cases."

Read the first time.

On motion,

The rule suspended, and the bill read a second time by title and referred to the Committee on Judiciary.

Mr. Goshen of Johnson, introduced

H. F. No. 2, "A bill entitled an act to legalize the acts of the Treasurer of Johnson county."

Read the first time.

On motion of Mr. Goshen of Johnson,

The rule suspended and the bill read the second time by its title and referred to the Committee on Ways and Means.

Mr. Brodhead of Otoe, introduced

H. F. No. 3, "A bill for an act to frame a state constitution and state government for the state of Nebraska."

Read the first time.

Mr. Marquette of Cass, introduced

H. F. No. 4, "A bill for an act to abolish and prohibit slavery or involuntary servitude within this territory."

Read the first time.

Mr. Johnson of Douglas, moved to lay "the" bill on the table.

Declared out of order.

Mr. Johnson then moved that the bill be rejected.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnard, Bates, Belden, Brodhead, Hinsdale, Johnson, Kennedy, Malcolm, Myers, Noel and Tuft.—11.

Nays—Messrs. Adams, Bain, Baker, Bowen, Burbank, Campbell, Collier, Davis, Goshen, Hanscom, Keeling, Lake, Latta, Marquette, McCas-

land, Maxwell, Nuckolls of Richardson, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart and Taffe—24.

So the motion to reject the bill was

Lost.

Mr. Marquette of Cass, introduced

H. F. No. 5, "A bill for an act to amend the Criminal Code of 1858.

Read the first time.

On motion of Mr. Marquette

The rule was suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Belden of Douglas, introduced

H. F. No. 6, "A bill for an act to amend an act respecting jurors," approved Nov. 2, 1858.

Read the first time.

Mr. Johnson of Douglas, asked and obtained unanimous consent for the suspension of the rule, when the bill was read a second time by its title and referred to the Committee on Judiciary.

Mr. Noel of Nemaha, moved that 500 copies of H. F. No. 3, entitled "An act relative to state organization," be printed.

Mr. Hanscom of Douglas, offered an amendment by striking out the words "500" and inserting "200".

Amendment accepted.

Motion as amended,

Carried.

Mr. Reynolds of Otoe, offered the following:

Resolved, That the Clerk of the House be instructed to procure the publication of each day's journal of the House in the daily Omaha Nebraskan.

Laid over under the rule.

Mr. Johnson of Douglas, moved that the House now proceed to the election of one Enrolling and one Engrossing Clerk.

Call of the House ordered.

Messrs. Crowe and Nuckolls of Otoe, absent.

On motion of Mr. Johnson of Douglas,

All further proceedings under the call were dispensed with.

The question occurring on Mr. Johnson's motion to elect Enrolling and Engrossing Clerks, the motion was

Carried.

Mr. Goshen of Johnson, moved to elect an Enrolling Clerk, separate, which was,

On motion of Mr. Taffe of Dakota,

Laid on the table.

Mr. Hanscom of Douglas, moved that the rule be suspended and that the House elect by ballot.

Carried.

Mr. Beck of Platte, moved that the Speaker appoint two tellers.

Carried and

Messrs. Reck and Shields appointed tellers.

Mr. Hanscom of Douglas, moved that a majority of all the votes cast be necessary to an election.

Carried.

Whereupon Messrs. John G. Graves, Seymour Belden, Wilber F. Stone, S. R. Jamieson, John E. Daily and S. V. Butler were placed in nomination for Engrossing Clerk, and Messrs. John Howard, Isaac L. Gibbs and William Clayborne were placed in nomination for Enrolling Clerk.

The House then proceeded with the election of Engrossing and Enrolling Clerks with the following result:

First ballot for Engrossing Clerk stood as follows:

	Received.
John G. Graves.....	14 votes.
Seymour Belden.....	7 "
Wilber F. Stone.....	2 "
John E. Daily.....	9 "
S. V. Butler.....	1 "

Whole number of votes cast..... 33

Necessary to a choice, 17.

For Enrolling Clerk:

John Howard.....	4 votes.
I. L. Gibbs	9 "
J. J. Graves.....	1 "
J. G. Graves.....	1 "
Wm. Clayborn.....	4 "
S. V. Butte.....	1 "

Whole number of votes cast..... 20

Necessary to a choice, 11.

There being no choice had the House proceeded to a second ballot, which resulted as follows:

For Engrossing Clerk:

John J. Graves.....	14 votes.
Seymour Belden	6 "
Wilber F. Stone.....	3 "
John E. Daily	9 "
I. L. Gibbs.....	2 "
John Howard.....	1 "

Whole number of votes cast..... 35

Necessary to a choice, 18.

Thursday, December 8th, 1859.

For Enrolling Clerk:

	Received.
John Howard.....	5 votes.
I. L. Gibbs.....	8 "
S. R. Jamieson.....	16 "
J. J. Graves.....	2 "
Wm. Clayborne.....	4 "

 Whole number of votes cast..... 35

Necessary to a choice, 18.

There being no choice, the House proceeded to a third ballot which resulted as follows:

For Enrolling Clerk:

John Howard.....	4 votes.
I. L. Gibbs.....	11 "
S. R. Jamieson.....	14 "
J. J. Graves.....	1 "
Wm. Clayborne.....	5 "
S. V. Butler.....	1 "

 Whole number of votes cast..... 36

Necessary to a choice, 19.

Engrossing Clerk:

J. J. Graves.....	13 votes.
Seymour Belden.....	4 "
Wilber F. Stone.....	4 "
John E. Daily.....	13 "
S. R. Jamieson.....	1 "

 Whole number of votes cast..... 35

Necessary to a choice, 18.

No choice.

Mr. Campbell moved that the House take a recess until 2 o'clock.

Lost.

Mr. Barnard of Hall, moved to reconsider the vote by which the House went into the election of Enrolling and Engrossing Clerks.

Lost.

The House then proceeded to the fourth ballot, with the following result:

For Enrolling Clerk:

John Howard.....	1 vote.
I. L. Gibbs.....	14 "
S. R. Jamieson.....	15 "
Wm. Clayborne.....	4 "
J. J. Graves.....	1 "
Wilber F. Stone.....	2 "

 Whole number of votes cast..... 37

Necessary to a choice, 19.

For Engrossing Clerk:

	Received.
J. J. Graves,	12 votes.
Seymour Belden,	3 "
Wilber F. Stone,	6 "
John E. Daily,	14 "
S. R. Jamieson,	2 "

Whole number of votes cast, 37

Necessary to a choice, 19.

No choice.

There being no choice had,

Mr. Collier of Burt, moved that the House take a recess until 2½ o'clock.

Lost.

Mr. Lake of Douglas, moved to reconsider the vote by which the House went into the election for Enrolling and Engrossing Clerks.

Carried.

Mr. Campbell of Otoe, moved that the House now proceed to the election of an Engrossing Clerk.

Carried.

Mr. Johnson of Douglas, moved that the rules be suspended in order to elect by ballot.

Carried.

Mr. Collier of Burt, moved that the tellers be appointed by the Chair.

Messrs Collier and Goshen appointed tellers.

Messrs. Graves, Belden, Stone, Daily and Jamieson were nominated for Engrossing Clerk.

The House now proceeded to ballot for an Engrossing Clerk, which resulted as follows:

	Received.
John G. Graves,	9 votes.
Seymour Belden,	3 "
Wilber F. Stone,	2 "
John E. Daily,	13 "
S. R. Jamieson,	10 "

Whole number of votes cast, 37

Necessary to a choice, 19.

No choice.

Mr. Campbell of Otoe, moved to adjourn until to-morrow at 10 o'clock.

Lost.

The House now proceeded to a second ballot, which resulted as follows:

Thursday, December 8th, 1859.

	Received.
John J. Graves,.....	8 votes.
S. Belden,.....	1 "
John E. Daily,.....	12 "
S. R. Jamieson,.....	15 "
<hr/>	
Whole number of votes cast,.....	36

Necessary to a choice, 19.

No choice.

The following message from the Secretary of the Territory was received:

SECRETARY'S OFFICE,
Omaha, Dec. 8th, 1859. }

Gentlemen of the House of Representatives:

In compliance with a resolution passed by your honorable body on yesterday, I have the honor to inform you, that your postage will be paid by this office for forty days from the 5th day of December.

One hundred and twenty-five to one hundred and fifty dollars may be expended by me for newspapers for the members of both branches of the Legislative Assembly.

See letter of Hon. William Medill, page 22, House journal of 1858.

Very respectfully,

J. STERLING MORTON,

Secretary of Neb. Territory.

Mr. Tufts of L'eau-qui-Court, moved to adjourn.

Lost.

The House now proceeded to a third ballot for Engrossing Clerk, which resulted as follows:

	Received.
John J. Graves,.....	9 votes.
John E. Daily,.....	15 "
S. R. Jamieson,.....	13 "
<hr/>	
Whole number of votes cast,.....	37

Necessary to a choice, 19.

No choice.

Mr. Campbell of Otoe, moved to adjourn.

Lost.

The House proceeded to a fourth ballot, with the following result:

	Received.
John J. Graves,.....	6 votes.
John E. Daily,.....	15 "
S. R. Jamieson,.....	14 "
<hr/>	
Whole number of votes cast,.....	35

Necessary to a choice, 18.

Thursday, December 8th, 1859.

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No choice being had, the House proceeded to a fifth ballot, which resulted as follows:

	Received.
John E. Daily,.....	19 votes.
S. R. Jamieson,.....	18 "
Whole number of votes cast,.....	37

Necessary to a choice, 19.

John E. Daily having received a majority of all the votes cast was declared elected.

A call of the House was ordered upon the demand of Mr. Burbank of Richardson.

37 members present.

Mr. Hanscom of Douglas, moved that all further proceedings under the call be dispensed with.

Carried.

Mr. Kennedy of Douglas, moved that the House now proceed to the election of an Enrolling Clerk.

Messrs. Gibbs, Belden, Clayborne, Graves, Howard and Jamison were put in nomination.

First ballot was had with the following result:

	Received.
I. L. Gibbs,.....	9 votes.
S. Belden,.....	4 "
Wm. Clayborne,.....	4 "
J. J. Graves,.....	12 "
J. Howard,.....	4 "
S. R. Jamieson,.....	1 "

Whole number of votes cast,..... 34

Necessary to a choice, 18.

No choice being had, the House proceeded to a second ballot, with the following result:

	Received.
I. L. Gibbs,.....	13 votes.
S. Belden,.....	2 "
Wm. Clayborne,	2 "
J. J. Graves,.....	18 "
John Howard,	1 "

Whole number of votes cast,..... 36

Necessary to a choice, 19.

No choice being had, the House proceeded to a third ballot, which resulted as follows:

Friday, December 9th, 1859.

	Received.
Wm. Clayborne,.....	2 votes.
I. L. Gibbs,.....	11 "
J. J. Graves,.....	23 "
Whole number of votes cast,.....	36

Necessary to a choice, 19.

Mr. Graves having received a majority of all the votes cast, was declared duly elected.

On motion,

The House now adjourned until ten o'clock to-morrow.

HOUSE OF REPRESENTATIVES,
Friday, December 9th, 1859. }

The House met at 10 o'clock A M., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

The roll called and a quorum being present,

The Journal of yesterday's session was read and approved.

The following notices of bills were given:

By Mr. Hinsdale of Dakota,

Of a bill to legalize the collection of taxes in the county of Dakota for the year 1859.

By Mr. Goshen of Johnson,

Of a bill to authorize the erection of a mill dam across the north fork of the Great Nemaha river in Johnson county,

By Mr. Johnson of Douglas,

Of a bill for an act for the relief of tax payers of the Territory of Nebraska for the year 1859.

By Mr. Burbank of Richardson,

Of a bill to incorporate the Rulo and Denver City express company.

By Mr. Latta of Cass,

Of a bill granting certain parties the exclusive privilege of running a ferry across the Missouri river, at Rock Bluffs City in Cass county, Nebraska Territory.

By Mr. Reck of Platte,

Of a bill to incorporate a university, to be located at Columbus, in Platte county, Nebraska Territory.

By Mr. Lake of Douglas,

Of a bill to amend an act entitled "An act to license and regulate the sale of malt, spirituous and vinous liquors in the territory of Nebraska," approved November 4th, 1858.

Also,

Of a bill fixing the terms of district courts.

Also,

Of a bill to amend the "Act providing for the appointment of masters in chancery," approved Nov. 3, 1858.

Also,

Of a bill fixing the fees of certain officers therein named.

By Mr. Rogers of Dodge,

Of a bill to repeal chapter third of title 14 of the civil code.

Also,

Of a bill to amend the revenue law.

Also,

Of a bill to amend the road law.

Also,

Of a bill to amend the license law.

By Mr. Davis of Cass,

Of a bill for the better regulation of common schools in Nebraska Territory.

Also,

Of a bill to amend the revenue law of the territory.

By Mr. Myers of Richardson,

Of a bill to postpone the payment of taxes.

Also,

Of a bill to authorize Silas Babcock and others to erect a mill dam across Long Branch in Richardson county.

By Mr. Brodhead of Otoe,

Of a bill regulating the fees of district attorney and clerks of district courts.

Also,

Of a bill to provide a uniform fee bill for the different county officers.

Mr. Belden of Douglas, on leave introduced

H. F. No. 7, "A bill for an act to authorize suits on written instruments, to be brought in the name by which the same are executed."

Read the first time.

Mr. Belden of Douglas, introduced

H. F. No. 8, "A bill for an act defining the crime of assault and battery and prescribing the punishment thereof."

Read the first time.

Mr. Davis of Cass, moved a suspension of the rules.

Carried.

Rules suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Goshen of Johnson, introduced

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county.

Read the first time.

Mr. Noel of Nemaha, moved a suspension of the rules.

Carried.

Rules suspended and the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

Mr. Bowen of Washington, offered the following:

Resolved, That the order of business be amended as follows:

1. Presentation of petitions.
2. Notices of bills.
3. Motions, resolutions, and bills on first reading.

Laid over under the rule.

Mr. Collier of Burt, introduced

H. F. No. 10, "A bill for an act to locate a territorial road from Decatur to Columbus."

Read the first time.

Mr. Collier moved that the rules be suspended, the bill by its title read a second time and referred to the Committee on Roads.

Mr. Campbell of Otoe, called for a division of the question.

Mr. Collier then moved that the rules be suspended.

Carried and

Rules suspended.

Mr. Collier then moved that the bill by its title be read a second time.

Carried and

Bill so read a second time.

Mr. Collier then moved that the bill be referred to the Committee on Roads.

Carried, and

Bill so referred.

Mr. Hinsdale of Dakota, introduced

H. F. No. 11, "A bill for an act to legalize the official acts of William Pilgrim, late register of deeds in and for Dakota county."

Read the first time.

Mr. Reck of Platte, introduced

H. F. No. 12, "A bill for an act to redefine the southern boundaries of Platte and Dodge counties."

Read the first time.

Mr. Maxwell of Cass, introduced

H. F. No. 13, "A bill for an act to provide for the foreclosure of mortgages by advertisement."

Read the first time.

On motion of Mr. Marquette of Cass.

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Johnson of Douglas, introduced

H. F. No. 14, "A bill for an act to amend an act entitled, 'An act in relation to locating, opening and repairing roads,' approved January 26, 1856."

Bill read the first time, and

On motion of Mr. Kennedy of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Roads.

Mr. Keeling of Nemaha, introduced

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

Read the first time.

On motion of Mr. Goshen of Johnson,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Rogers of Dodge, introduced

H. F. No. 16, "A bill for an act making an appropriation for building a bridge across the Elkhorn river."

Read the first time, and

On motion of Mr. Rogers,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Internal Improvements.

Mr. Johnson of Douglas, introduced

H. F. No. 17, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

Read the first time.

On motion of Mr. Kennedy of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Davis of Cass, introduced

H. F. No. 18, "A bill for an act to provide for the taking up and disposal of estrays."

Read the first time.

On motion of Mr. Davis,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Rogers of Dodge, introduced

H. F. No. 19, "A bill for an act to amend an act entitled 'Town plats,' approved January 23, 1856."

Read the first time.

On motion of Mr. Rogers,

The rules were suspended, the bill by its title read a second time and referred to a special committee of three.

Messrs. Rogers, Burbank and Brodhead appointed such special committee.

Mr. Baker of Nemaha, introduced

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru."

Read the first time.

On motion of Mr. Baker,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Goshen of Johnson, introduced

H. F. No. 21, "A bill for an act to legalize the first organization of Gage county, and to locate the county seat thereof at Beatrice."

Read the first time.

On motion of Mr. Keeling of Nemaha,

The rules were suspended, the bill by its title read a second time and referred to the Committee on County Seats and Boundaries.

Mr. Campbell of Otoe, introduced

Friday, December 9th, 1859.

H. F. No. 22, "A bill for an act to repeal an act entitled 'An act to provide for the better regulation of schools in Nebraska.'"

Read the first time.

The rules suspended, the bill by its title read a second time and referred to the Committee on Common Schools.

Mr. Barnard of Hall, introduced

H. F. No. 23, "A bill for an act to amend an act entitled 'An act to authorize Joel H. Johnson to keep and run a ferry at Genoa in Monroe county.'"

Read the first time.

On motion of Mr. Kennedy of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Incorporations.

The following notices of bills to be introduced at some subsequent day, were given:

By Mr. Barnard of Hall,

Of a bill to prescribe the time within which newly elected county officers of this territory shall qualify.

By Mr. Kennedy of Douglas,

Of a bill providing for a geological survey of this territory.

Also,

Of a bill to incorporate a seminary at Florence in this territory.

On motion of Mr. Shields of Sarpy,

Leave of absence until Monday was granted to Mr. Arnott of Sarpy.

Mr. Reynolds of Otoe, gave notice

Of a bill providing for the better regulation of common schools in Nebraska.

Mr. Taffe of Dakota, moved that a committee of three be appointed on the part of the House to confer with a similar committee on the part of the council in the preparation of joint rules.

Carried, and

Messrs. Taffe, Hanscom and Noel appointed such committee.

Mr. Reynolds of Otoe, gave notice

Of a bill for the establishing of justices' courts, and the better regulation of practice in justices' courts.

Mr. Noel of Nemaha,

Presented the petition of Alexander Hallam praying for the passage of a charter authorizing the erection by him of a mill dam across Rock creek in the town of Glen Rock in this territory.

Mr. Noel of Nemaha, gave notice

Of a bill for an act authorizing Alexander Hallam to build a mill and erect a dam across Rock creek in Nemaha county.

Mr. Maxwell of Cass, gave notice

Of a bill relative to grand juries.

Bills on their second reading being in order,

H. F. No. 4, "A bill for an act to abolish and prohibit slavery or involuntary servitude within this territory."

Was taken up and read the second time.

Mr. Marquette of Cass moved to refer the bill to a special committee of three.

Mr. Hanscom of Douglas moved to refer the bill to the Committee of the Whole.

Mr. Collier of Burt moved to amend by adding "and that it be made the special order of the day for Friday next."

Amendment accepted.

Motion to refer to the Committee of the Whole having the preference, it was

Carried.

Mr. Tufts of L'eau-qui-Court, moved to adjourn until Monday morning.

Lost.

Mr. Hinsdale of Dakota, moved to adjourn until to-morrow morning.

Mr. Hanscom of Douglas, offered as an amendment that the House adjourn until 10½ o'clock, Monday morning.

Amendment lost.

The question occurring on the original motion, it was

Lost.

Mr. Reynolds of Otoe, called up the resolution offered by him on yesterday, relative to the publication of the journals of this House, in the Daily Nebraskan.

Mr. Burbank of Richardson, moved to refer the resolution to the Committee on Public Printing.

Carried.

On motion of Mr. Hanscom of Douglas,

The Committee on Public Printing were instructed to ascertain the cost attending such publication of the journals as required by the resolution.

On motion of Mr. Campbell of Otoe,

The House adjourned until 10 o'clock, Monday morning.

HOUSE OF REPRESENTATIVES,
Monday, December 12th, 1859. }

House met at 10 o'clock, A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Arnett, Belden, Davis, Kennedy, Malcolm and Stephenson.

A quorum being present,

Journal of Friday's session read and approved.

The following message was received from the Council;

Monday, December 12th, 1859.

COUNCIL CHAMBER,
December 12th, 1859. }*Mr. Speaker:*

I am instructed to inform your honorable body that the Council have passed

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam."

Also,

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo, Richardson county, to Blue Spring, Gage county, and the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, presented the petition of R. S. Parks for a seat in the House as a member from the gold regions.

Mr. Tufts of L'eau-qui-Court, moved that the petition be referred to the Committee on Privileges and Elections.

Carried.

Mr. Latta of Cass, moved that a special committee of three be appointed to examine into the expediency of reducing the territorial tax, and to ascertain as near as possible the amount of such tax requisite to defray the expenses of the Territory, and also to ascertain whether or not the various counties have paid their equal proportion.

Carried, and

Messrs. Latta, Belden and Myers appointed such special committee.

Mr. Tufts of L'eau-qui-Court, gave notice

Of a bill to authorize Daniel H. Collamer to keep and establish a ferry across the Missouri river at St. Helena in Nebraska Territory.

Also,

Of a bill to authorize Fellows D. Pease and A. Rapalee to establish and keep a ferry across the Missouri river near a point opposite the mouth of Platte creek in Dakota territory.

Mr. Nuckolls of Otoe, gave notice

Of a bill to establish a territorial road from Nebraska city to Fort Kearney, by way of Olathe in Clay county, Nebraska Territory.

Also,

Of a bill for an act to vacate a part of the town site of Wyoming.

Mr. Kennedy of Douglas, gave notice

Of a bill for the organization of the militia of this Territory.

Mr. Marquette of Cass, gave notice

Of a bill to provide for the appointment of a clerk of the district court in each county in this Territory wherein courts are held.

Mr. Stephenson of Cass, gave notice

Of a bill to legalize the acts of the commissioners and their survey of a road leading from Nebraska city to La Platte ferry landing.

Mr. Bain of Otoe, gave notice

Of a bill to legalize the acts of district boards of public schools.

Mr. McCasland of Pawnee, gave notice

Of a bill to regulate the toll of millers.

Mr. Crowe of Nemaha, gave notice

Of a bill for a territorial road, commencing at Glen Rock in Nemaha county and running to Falls city in Richardson county, crossing the Little Nemaha river at Weddles' bridge.

Mr Burbank of Richardson, offered the following:

Resolved, That the member introducing any bills for the establishing of territorial roads, be requested to lay before the Committee on Roads a statement of the number of roads already located in their respective counties, and the cost and practical utility of the same.

Laid over under the rule.

Mr. Bowen of Washington, called up the resolution offered by himself on Friday last (and which was laid over under the rule), proposing certain amendments to the order of business of this House.

The resolution being taken up, and the question being on its adoption, it was

Lost.

Mr. Kennedy of Douglas, offered the following:

Resolved, That the Major-General of the territorial militia be invited to take a seat within the bar of this House at pleasure.

Adopted.

Mr. Maxwell of Cass, gave notice

Of a bill to extend the time of paying taxes until the first day of May, A. D. 1860.

Mr. Reck of Platte, gave notice

Of a bill asking an appropriation for building a bridge across a creek near George Spaulding's, on the military road in Platte county.

Mr. Hinsdale of Dakota, introduced

H. F. No. 24, "A bill for an act to legalize the collection of taxes in Dakota county for the year 1859.

Read the first time.

The rules suspended.

The bill by its title read a second time.

Mr. Taffe of Dakota, moved that the bill be referred to a special committee of three.

Carried, and

Messrs. Taffe, Hinsdale and Goshen appointed such committee.

Mr. Goshen of Johnson, introduced

H. F. No. 25, "A bill for an act authorizing the erection of a mill dam across the Great Nemaha River."

Read the first time.

Rules suspended.

Bill by its title read a second and a third time.

Passed and title agreed to.

Mr. Lake of Douglas, introduced

H. F. No. 26, "A bill for an act relating to questions reserved in the district courts."

Read the first time.

Rules suspended, and

The bill by its title read a second time.

Mr. Marquette of Cass, moved to refer the bill to the Committee on Judiciary.

Carried.

Mr. Nuckolls of Otoe, introduced

H. F. No. 27, "A bill for an act to regulate the rate of interest on money and on contracts."

Read the first time.

Mr. Nuckolls of Otoe, introduced

H. F. No. 28, "A bill for an act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry across the Missouri river at Nebraska city in Pierce county.'"

Read the first time.

Rules suspended.

The bill by its title read a second time and referred to the Committee on Corporations.

Mr. Collier of Burt, introduced

H. F. No. 29, "A bill for act to locate a territorial road from Decatur to De Soto."

Read the first time.

Mr. Collier of Burt, moved

That the rules be suspended and the bill be read a second time.

Carried.

Rules suspended, and

The bill by its title read a second time.

Mr. Bowen of Washington, moved that the bill be referred to a special committee of three.

Carried, and

Messrs Bowen, Stewart and Collier appointed such committee.

Mr. Malcolm of Douglas, introduced

H. F. No. 30, "A bill for an act for the relief of insolvent debtors."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a first and second time and referred to a special committee of three.

Mr. Belden of Douglas, offered the following:

Resolved, That the Clerk of the House procure 200 printed copies of H. F. No. 30, "A bill for an act for the relief of insolvent debtors," For distribution among the members of the House and Council.

Adopted.

Mr. Davis of Cass, introduced

H. F. No. 31, "A bill for an act to exempt certain property from forced sale on execution to pay debts."

Read the first time.

On motion of Mr. Davis,
The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

The Speaker appointed

Messrs. Hanscom, Tufts and Kennedy the special committee,

To whom was referred

H. F. No. 30, "A bill for an act for the relief of insolvent debtors."

Mr. Johnson of Douglas, introduced

H. F. No. 32, "A bill for an act for the relief of tax payers of Douglas county."

Read the first time.

On motion of Mr. Belden of Douglas,

The rules were suspended.

The bill by its title read a second time, and

On motion of Mr. Campbell of Otoe,

Referred to the Committee on Ways and Means.

Mr. Burbank of Richardson, introduced

A memorial and joint resolution relative to school lands in Richardson county.

Read the first time.

On motion of Mr. Campbell of Otoe,

The rules were suspended.

Memorial and joint resolution by its title read a second time and referred to

Committee on Federal Relations.

Mr. Malcolm of Douglas, introduced

A memorial and joint resolution praying for an appropriation to bridge Loup Fork river.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended.

Memorial and joint resolution by its title read a second time.

Mr. Hanscom of Douglas, moved that the rules be suspended and the memorial and joint resolution read a third time and put upon its passage.

Lost.

On motion of Mr. Davis of Cass,

The memorial and joint resolution was referred to the Committee on Federal Relations.

Mr. Davis of Cass, introduced

H. F. No. 33, "A bill for an act for the better regulation of common schools in Nebraska."

Read the first time.

On motion of Mr. Davis of Cass,

The rule was suspended, the bill by its title read a second time and referred to the Committee on Common Schools.

Mr. Campbell of Otoe, gave notice

Of a bill authorizing real estate to be redeemed one year after sale.

Monday, December 12th, 1859.

Mr. Rogers of Dodge, from the special committee to whom was referred H. F. No. 19, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred,

H. F. No. 19, "A bill for an act to amend an act entitled 'Town Plats,' approved January 23, 1856."

Having had the same under consideration, report the bill back to the House and recommend its passage.

E. H. ROGERS,
J. EDWARD BURBANK,
WM. H. BRODHEAD.

Report accepted and adopted.

Mr. Hanscom of Douglas, moved the indefinite postponement of the bill.

Carried and

Bill indefinitely postponed.

Mr. Campbell of Otoe, from the Committee on Ways and Means submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 2, "A bill for an act to legalize the acts of the treasurer of Johnson county."

Having had the same under consideration, beg leave to report, that said bill does not define definitely the end to be attained in its requirements, and therefore offer a substitute and recommend its passage.

JOHN C. CAMPBELL,
JOHN S. BOWEN,
JOHN P. BAKER,
J. N. McCASLAND,
HARRISON JOHNSON.

On motion of Mr. Lake of Douglas,

The report was accepted, and

On motion of Mr. Kennedy of Douglas, it was Adopted.

On motion,

The substitute was adopted, the bill read a third time.

Passed, and title agreed to.

Mr. Tufts of L'eau-qui-Court, from the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 21, "A bill for an act to legalize the first organization of Gage county, and to locate the county seat thereof at Beatrice."

Beg leave to report the bill back to the House, and recommend its passage.

JAMES TUFTS,
C. A. GOSHEN,
JOHN RECK,
HOUSTON NUCKOLLS,
JAMES S. STEWART.

Report of the committee accepted and adopted.

The bill read a third time.

Passed and title agreed to.

C. B. No. 6, "A bill for an act authorizing George R. Fish to erect a mill dam,"

Taken up and read the first time.

Mr. Collier of Burt, moved that the rules be suspended and the bill be read a second time by its title.

Carried.

Rules suspended, bill read a second time by its title and referred to the Committee on Corporations.

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo, Richardson county to Blue Springs, in Gage county."

Taken up, read the first time.

Rules suspended.

Bill by its title read a second time and referred to the Committee on Roads.

On motion of Mr. Shields of Sarpy,

Leave of absence was granted to Mr. Arnett of Sarpy, until Wednesday next.

H. F. No. 7, "A bill for an act to authorize suits upon written instruments to be brought in the name by which the same are executed,"

Taken up.

Read the second time and referred to the Committee on Judiciary.

H. F. No. 12, "A bill for an act to redefine the southern boundaries of Platte and Dodge counties,"

Taken up.

Read the second time, and

On motion of Mr. Reck of Platte,

Referred to the Committee on Boundaries and County Seats.

H. F. No. 11, "A bill for an act to legalize the acts of William Pilgrim, late register of deeds in and for Dakota county,"

Taken up.

Read the second time, and

On motion of Mr. Taffe of Dakota,

The rules were suspended, the bill by its title read a third time, passed and title agreed to.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Taken up.

Read the second time, and

On motion of Mr. Brodhead of Otoe,

Referred to the Joint Committee on State Organization.

Mr. Reynolds of Otoe, introduced

A joint resolution and memorial praying for an appropriation to complete the capitol building.

Read the first time.

Rules suspended.

Read the second time, and

On motion,

Tuesday, December 13th, 1859.

Referred to the Committee on Public Buildings and Grounds.
Mr. Reck of Platte, moved to adjourn.
Carried.

HOUSE OF REPRESENTATIVES,
Tuesday, December 13th, 1859. }

The House met at the usual hour.
Speaker in the chair.
Prayer by the Chaplain.
Call of the House had.

Absent—Messrs. Belden, Brodhead, Malcolm and Noel.

A quorum being present the Journal of yesterday's session was read and approved.

Mr. Lake of Douglas, presented the petition of Messrs. Tootle and Jackson for an appropriation of \$734.43 to the petitioners, to reimburse them for goods furnished to the expedition sent by Governor Mark W. Izard to Fontenelle, to protect the settlers from the depredations of Indians during the months of June, July, August, September and October, 1855.

On motion of Mr. Davis of Cass,

The petition was referred to the Committee on Accounts and Expenditures.

Mr. Baker of Nemaha, presented the petition of the citizens of Peru, praying for a special act of incorporation.

On motion of Mr. Baker,

The petition was referred to the Committee on Corporations.
The following notices of bills were given:

By Mr. Hanscom of Douglas,

Of a bill to incorporate the Omaha and Denver city express company.

Also,

Of a bill regulating the amount of taxes to be levied.

By Mr. Goshen of Johnson,

Of a bill to require county commissioners to give bonds for the faithful and impartial discharge of their official duties.

Mr. Maxwell of Cass, introduced

H. F. No. 34, "A bill for an act to extend the time for the payment of taxes in Nebraska Territory."

Read the first time.

On motion of Mr. Goshen of Johnson,

The rules were suspended, the bill by its title read a second time and,

On motion of Mr. Campbell of Otoe,

The bill was referred to the Committee on Ways and Means.

Mr. Collier of Burt, gave notice.

Of a bill for an act entitled "An act to amend an act respecting juries."

Also,

Of a bill for an act in relation to insurance companies.

Mr. Johnson of Douglas, introduced

H. F. No. 35, "A bill for an act entitled 'An act regulating fees and salaries.'"

On motion of Mr. Lake of Douglas,

The bill was read a first time by its title, the rules suspended, and The bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Crowe of Nemaha, gave notice

Of a bill for an act to establish a territorial road from Glen Rock in Nemaha county, via Monterey in Richardson county, to the Kansas line.

Mr. Rogers of Dodge, gave notice

Of a bill for an act to provide for the vacation of the whole or a part of the plat of the town of Fremont.

Mr. Reck of Platte, gave notice

Of a bill to attach a portion of Monroe county to Platte county.

Mr. Bates of Dakota, introduced

H. F. No. 36, "A bill for an act for the protection of game in Nebraska."

Read the first time.

Rules suspended.

Bill read a second time by its title and,

On motion,

Referred to a special committee of three.

The Speaker appointed Messrs. Kennedy, Collier and Bates such special committee.

Mr. McCasland of Pawnee, introduced

H. F. No. 37, "A bill for an act to regulate the toll of millers."

Read the first time.

Rules suspended.

Bill read by its title a second time, and

On motion of Mr. Goshen of Johnson,

Was referred to the Committee on Ways and Means.

Mr. Tufts of L'eau-qui-Court, gave notice

Of a bill for the location of a territorial road from Dakota in Dakota county, via St. John's, Ponca, Dixon, St. James, St. Helena, Frankfort and Nidbrarah, to Fort Randall.

Mr. Kennedy of Douglas, gave notice

Of a bill to establish a uniform standard of weights and measures in this Territory.

Mr. Nuckolls of Otoe, gave notice

Of a bill entitled "An act authorizing commission merchants to dispose of property uncalled for after a certain time limited."

Mr. Burbank of Richardson, introduced

H. F. No. 38, "A bill for an act to amend an act entitled 'County commissioners.'"

Read the first time.

Mr. Burbank of Richardson, moved that the rules be suspended, the bill be read a second time and referred to the Committee on Judiciary. Carried.

Rules suspended and the bill by its title read a second time and so referred.

Mr. Barnard of Hall, introduced

H. F. No. 39, "A bill for an act to regulate the election to, and holding of territorial and county offices."

Read the first time, and

On motion of Mr. Davis of Cass,

The rule was suspended, the bill by its title read a second time and referred to a special committee of three.

The Speaker appointing Messrs. Davis, Barnard and Goshen such committee.

Mr. Rogers of Dodge, introduced

H. F. No. 40, "Joint resolution and memorial with reference to the Pawnee Indians."

Read the first time, and

On motion of Mr. Rogers of Dodge,

The rules were suspended, the bill by its title read a second time and referred to a special committee of three.

The Chair appointing Messrs. Rogers, Collier and Tufts such special committee.

Mr. Baker of Nemaha gave notice

Of a bill to review and change part of a territorial road running from Jamieson's mill in Otoe county, to Hoover's mill in Nemaha county.

Mr. Reck of Platte, introduced

H. F. No. 41, "A bill for an act to fix the rate of toll over the Loup Fork ferry."

Read the first time and,

On motion of Mr. Reck of Platte,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Collier of Burt, moved that the Committee on Privileges and Elections be increased to seven in number, and that the names of Messrs. Taffe of Dakota, and Rogers of Dodge, be added to the committee.

Mr. Taffe of Dakota, declining to serve on said committee, the name of

Mr. Marquette of Cass, was substituted.

Mr. Reck of Platte, moved to lay the motion to increase the number of the committee, on the table.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tuft.—23.

Nays—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, Hinsdale, Latta, Marquette, McCasland, Maxwell, Rogers, Stephenson and Taffe.—14.

Mr. Bates of Dakota, chairman of the Committee on Privileges and Elections submitted the following report:

Mr. Speaker:

Your Committee on Privileges and Elections, to which was referred the petition of R. S. Parks asking for a seat in this House as member elect from the gold regions, having had the same under consideration, beg leave to report: That under the organic act the petitioner can not be admitted as a regular member of this body. Your committee, however, beg leave to state that inasmuch as the petitioner represents a very important portion of this Territory—a community greatly in need of legislation and eminently deserving the consideration, attention and favor of your honorable body—and as the petitioner is able to furnish the House with important information touching the interests of said community and their wants, your committee would therefore recommend that the petitioner be admitted within the bar of this House at pleasure.

BARNABAS BATES,
JAMES TUFTS,
STEPHEN F. NUCKOLLS,
GEORGE B. LAKE.

Report accepted and adopted.

Mr. Goshen of Johnson, from the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Having had the same under consideration, beg leave to report the same back to the House and recommend its passage.

JAMES TUFTS,
JOHN RECK,
JAMES S. STEWART,
C. A. GOSHEN,
HOUSTON NUCKOLLS.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 6, "A bill for an act respecting jurors," approved Nov. 2d, 1858;

Tuesday, December 13th, 1859.

H. F. No. 7, "A bill for an act to authorize suits upon written instruments, to be brought in the name by which the same are executed;" and

H. F. No. 26, "A bill for an act relating to questions reserved in the district courts;"

Report that they have had the same under consideration, and beg leave to report the same back to the House without amendment, and would recommend their passage.

GEORGE B. LAKE,
D. D. BEIDEN,
T. M. MARQUETTE,
JAMES TUFTS,
WM. H. BRODHEAD.

Report accepted and adopted.

Mr. Goshen of Johnson, from the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 12, "A bill for an act to redefine, the southern boundaries of Platte and Dodge counties,"

Beg leave to report the same back to the House without amendment, and recommend its passage.

JAMES TUFTS,
JOHN RECK,
JAMES S. STEWART,
HOUSTON NUCKOLLS,
C. A. GOSHEN.

Report accepted and adopted.

Mr. Hinsdale of Dakota, chairman of the Committee on Internal Improvements, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 6, "A bill for an act making an appropriation to build a bridge across the Elkhorn river,"

Beg leave to present the following report: That after a careful consideration of the subject, they do not find the provisions of the bill requiring an appropriation of fifteen hundred dollars warranted by any unusual want at that portion of the country to be benefited thereby, and they deem it inexpedient for your honorable body to make appropriations for that or kindred purposes, unless in very extraordinary circumstances, regarding such precedents as dangerous and inconsistent with the rigid economy which the condition of the Territory demands. Your committee, therefore, recommend that the further consideration of the bill be indefinitely postponed.

GEORGE A. HINSDALE,
JOHN C. CAMPBELL,
JAMES S. STEWART,
JESSE NOEL,
A. B. MALCOLM.

Report accepted and adopted.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city,"

Have had the same under consideration, and report the same back to the House and recommend its passage.

ANDREW J. HANSCOM, Chairman.

Report accepted and adopted.

Mr. Nuckolls of Otoe, chairman of the Committee on Public Printing, submitted the following report:

Mr. Speaker:

Your Committee on Public Printing, to which was referred the resolution relative to the publication of the daily journals of the House in the Daily Omaha Nebraskian, and which was instructed to ascertain the expense attending the publication of the same, beg leave to make the following report: That they have called upon Messrs. Robertson & Clark, publishers of the Omaha Daily Nebraskian, and have obtained from these gentlemen the following proposition: They agree to publish the daily journals in the daily edition of their paper, and bind themselves to furnish two hundred copies per day of the same for the use of members of the House, being at their own expense in procuring manuscript copy of the matter, for the sum of four hundred dollars, to be paid in warrants drawn upon the Territorial Treasurer. Your committee are of opinion that it is desirable to our constituency and the people at large, that they should be informed of each day's proceedings of this House; they are further of the opinion that the sum required to secure such publication is trifling compared with the great results to be derived therefrom. They, therefore, recommend the immediate passage of the resolution, so amended as to limit the expense of publishing said daily journals to the sum of four hundred dollars.

STEPHEN F. NUCKOLLS,
GEORGE A. HINSDALE,
MILTON W. REYNOLDS,
A. B. MALCOLM.

Mr. Reck of Platte, moved that the rules be suspended, and the resolution be put upon its passage.

Pending which

Mr. Reynolds of Otoe,

Offered the following as a substitute for the original resolution:

Resolved, By the Council and House of Representatives of the Territory of Nebraska, That the Clerk be instructed to procure the publication of each day's proceedings of this House in the Omaha Daily Nebraskian; that two hundred copies be furnished for the use of the House, and that the sum of four hundred dollars be and the same is hereby ap-

propriated out of any moneys in the territorial treasury not otherwise appropriated.

On motion of Mr. Hanscom of Douglas,

The substitute was referred to the Committee on Public Printing.

Mr. Nuckolls of Otoe, chairman of the Committee on Public Printing, having had the substitute under consideration, reported the same back and recommended its passage.

Mr. Burbank of Richardson, offered to amend the resolution by adding:

Two hundred copies of the Nebraska City News; two hundred copies of the Omaha Republican, and two hundred copies of the People's Press.

Mr. Burbank of Richardson, moved the following as substitute for the resolution and amendments thereto:

That the laws, joint resolutions and memorials shall be published as soon as possible after their passage, in the two newspapers at the Capital.

Ruled out of order.

Mr. Burbank of Richardson moved to lay the resolution on the table.

Withdrawn.

Mr. Burbank of Richardson, asked leave to withdraw his amendment to the resolution.

Mr. Collier of Burt moved that such leave be granted.

Carried, and

The amendment withdrawn.

Mr. Collier of Burt moved to refer the substitute for the resolution back to the committee with instructions to ascertain the cost of publishing the laws, joint resolutions, memorials and journals in the two newspapers published at the Capital.

Lost.

The question occurring on the passage of the resolution, the ayes and nays were demanded with the following result:

Ayes—Messrs. Adams, Bain, Barnard, Bates, Brodhead, Hinsdale, Kennedy, Malcolm, Nuckolls of Otoe, Reck, Reynolds, Shields and Tuft.—13.

Nays—Messrs. Baker, Belden, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Richardson, Rogers, Stephenson, Stewart and Taffe.—24.

And so the resolution was

Lost.

H. F. No. 27, "A bill for an act to regulate the rate of interest on money and on contracts,"

Taken up, and

Read by its title a second time, and

On motion of Mr. Hanscom of Douglas,

Referred to the Committee on Judiciary, and one hundred copies ordered to be printed.

H. F. No. 24, "A bill for an act to legalize the collection of taxes in the county of Dakota for the year 1859,"

Taken up.

On motion of Mr. Taffe of Dakota,

Read a third time and put upon its passage.

Passed and title agreed to.

H. F. No. 7, "A bill for an act to authorize suits upon written instruments to be brought in the name by which the same are executed,"

Taken up, and

On motion of Mr. Hanscom of Douglas,

Ordered to be engrossed and read a third time to-morrow.

H. F. No. 6, "A bill for an act to amend 'An act respecting jurors,' approved Nov. 2d, 1858,"

Taken up, and

On motion of Mr. Collier of Burt,

Postponed until Saturday next.

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city,"

Taken up, and

On motion of Mr. Hanscom of Douglas,

Ordered to be engrossed and read a third time to-morrow.

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Taken up.

Mr. Campbell of Otoe, moved to postpone indefinitely.

Withdrawn.

Mr. Taffe of Dakota, moved to postpone until Saturday next.

Carried.

H. F. No. 12, "A bill for an act to redefine the southern boundaries of Platte and Dodge counties,"

Taken up.

Mr. Davis of Cass, moved to amend, by striking out the words, "south bank," and inserting in lieu thereof, the words, "centre of the main channel."

Amendment lost.

Bill read a third time.

Passed and title agreed to.

H. F. No. 26, "A bill for an act relating to questions reserved in the district courts,"

Taken up, and

On motion of Mr. Hanscom of Douglas,

Ordered to be engrossed and read a third time to-morrow.

Mr. Noel of Nemaha, moved to adjourn.

Lost.

Mr. Nuckolls of Otoe, introduced

H. F. No. 42, "A bill for an act to vacate a portion of the town site of Wyoming in Otoe county."

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Brodhead of Otoe, introduced

H. F. No. 43, "A bill for an act to locate a territorial road from Nebraska city, via Helena in Johnson county, to Beatrice in Gage county."

On motion of Mr. Noel of Nemaha,

The bill was read a first time by its title.

The rules suspended.

The bill read a second time by its title and referred to the Committee on Roads.

On motion of Mr. Belden of Douglas,

The House at 1½ o'clock P. M. adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
Wednesday, December 14th, 1859. }

House met at the usual hour.

The Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Arnett, Bates, Brodhead, Crowe and Lake,

A quorum being present,

The journal of yesterday's session was read, amended and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Wednesday, Dec. 14th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

C. B. No. 1, "A bill for an act to provide for the execution of sentences upon convicts and their transportation to the penitentiary of a state."

And the concurrence of the House therein is respectfully requested. I also return to you

A joint resolution relative to printing the Governor's message in the German language.

The same having passed the Council without amendment.

I have also to inform you that Messrs. Scott and Porter have been appointed a committee on the part of the Council to act with the House committee in superintending the printing of said message.

Also,

That Messrs. Dundy and Little have been appointed a committee on the part of the Council to consult with the House committee in relation to joint rules.

S. M. CURRAN, Chief Clerk.

On motion of Mr. Keeling of Nemaha,

Leave of absence was granted to Mr. Crowe of Nemaha on account of illness.

Mr. Tufts of L'eau-qui-Court, presented the petition of S. B. Mulholland and others for certain changes in the boundaries of Dixon county. Petition read and referred to the Committee on Boundaries and County Seats.

Mr. Tufts of L'eau-qui-Court, gave notice

Of a bill to organize, define the boundaries and locate the county seat of Kearney county.

Mr. Maxwell of Cass, introduced

H. F. No. 44, "A bill for an act to provide for the collection and arrangement of the laws of Nebraska."

Read the first time.

On motion of Mr. Marquette of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Latta of Cass, introduced

H. F. No. 45, "A bill for an act to authorize Thomas Patterson, W. H. Spratlin and G. E. Fleming to keep a ferry, by certain parties therein named, across the Rock Bluffs in Cass county."

Read the first time.

On motion of Mr. Marquette of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Shields of Sarpy, introduced

H. F. No. 46, "A bill for an act authorizing the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory."

Read the first time.

On motion of Mr. Reynolds of Otoe,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Roads.

Mr. Goshen of Johnson, introduced

H. F. No. 47, "A bill for an act to require county commissioners to give bond."

Read the first time.

On motion of Mr. Keeling of Nemaha,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Campbell of Otoe, introduced

H. F. No. 48, "A bill for an act to provide for the redemption of real estate sold under execution."

Read the first time.

On motion of Mr. Campbell of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Reynolds of Otoe, introduced

H. F. No. 49, "A bill for an act to provide for the erection of a jail in Otoe county."

Read the first time.

Wednesday, December 14th, 1859.

On motion of Mr. Johnson of Douglas,
The rules were suspended, the bill by its title read a second time and
referred to the Committee on Ways and Means.
The following message was received from the Council:

COUNCIL CHAMBER,
Wednesday, December 14, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has
passed

C. B. No. 23, "An act to better define the geographical limits of the
city of Bellevue in Sarpy county."

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Baker of Nemaha, introduced

H. F. No. 50, "A bill for an act to review and change the territorial
road running from Jamieson's mill in Otoe county, to Hoover's mill in
Nemaha county."

Read the first time.

On motion of Mr. Baker of Nemaha,

The rules were suspended, the bill by its title read a second time and
referred to the Committee on Roads.

Mr. Rogers of Dodge, introduced

H. F. No. 51, "A bill for an act to provide for the vacation of a
whole or a part of the plat of the town of Fremont."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended, the bill by its title read a second time
and referred to the Committee on Corporations.

Mr. Reynolds of Otoe, on leave, introduced

H. F. No. 52, "A memorial and joint resolution for an appropriation
of fifty thousand dollars for the purpose of establishing a territorial
road from Nebraska city to New Fort Kearney."

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rule was suspended, the bill by its title read a second time and
referred to the Committee on Federal Relations.

The following notices of bills were given:

By Mr. Adams of Otoe,

Of a bill to cause the prosecuting witness in all cases of assault and
battery, to give security for costs.

By Mr. Taffe of Dakota,

Of a bill to establish the mode of locating and changing county seats.

By Mr. Nuckolls of Otoe,

Of a bill authorizing Otoe county to subscribe stock and issue the
bonds of said county therefor, for the building of a rail road in or
through Fremont county, Iowa.

Mr. Lake of Douglas, on leave, introduced
H. F. No. 53, "A bill for an act to extend the jurisdiction of the district and probate courts."

Read the first time.

On motion of Mr. Belden of Douglas,
The rules were suspended the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Myers of Richardson, introduced
H. F. No. 54, "A bill for an act to authorize Silas Babcock to construct a mill dam across Long Branch."

Read the first time.

On motion of Mr. Nuckolls of Otoe,
The rules were suspended, the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Nuckolls of Richardson, introduced
H. F. No. 55, "A bill for an act authorizing Stephen Story, Jasper G. Lewis and Henly R. Price to keep and run a ferry at St. Stephens."

Read the first time.

On motion of Mr. Goshen of Johnson,
The rule was suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Hanscom of Douglas, chairman of the select committee to which was referred

H. F. No. 30, "A bill for an act for the relief of insolvent debtors,"
Submitted the following report:

Mr. Speaker:

Your select committee to which was referred

H. F. No. 30, "A bill for an act for the relief of insolvent debtors,"

Report that they have had the same under consideration, and recommend the adoption of certain amendments appearing upon its face, and recommend the passage of the bill as amended.

A. J. HANSOOM,
JAMES TUFTS,
GEORGE F. KENNEDY.

Report accepted and adopted.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

We, the undersigned committee to which was referred the petition of citizens of Dodge county, respectfully report adverse to the petitioners.

W. W. KEELING,
E. A. ROGERS,
W. R. DAVIS,
J. N. STEPHENSON,
JOHN S. BOWEN.

The report accepted and adopted.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Your committee to which was referred

H. F. No. 18, "A bill for an act providing for the taking up and disposal of estrays,"

Have had the same under advisement, and report the same back to the House and recommend its passage with the following amendments: In section 13, strike out the words "justice of the peace," and insert "arbitrators, one chosen by each one of the parties, and in case they can not agree, a third person shall be chosen, and their decision shall be final.

HARRISON JOHNSON, Chairman.

Report accepted and adopted.

Mr. Davis of Cass, from the special committee to which was referred

H. F. No. 38, "A bill for an act to provide for the election to and holding of territorial and county offices,"

Submitted the following minority report:

Mr. Speaker:

A minority of your committee to which was referred

H. F. No. 39, "A bill for an act to provide for the election to and holding of territorial and county offices,"

Have had the same under consideration, and report the same back to the House and recommend that it do not pass.

W. R. DAVIS.

Mr. Barnard of Hall, chairman of the same special committee, submitted the following majority report:

Mr. Speaker:

A majority of your special committee to which was referred

H. F. No. 39, "A bill for an act to regulate the election to and holding of territorial and county offices,"

Beg leave respectfully to report: That a careful consideration of the subject of said bill has impressed this portion of your committee with the conviction, that the passage of said bill would operate favorably to the interests of the people of this Territory in the promotion, indirectly, if not immediately, of education; in an increased desire on the part of foreign born citizens of this Territory to identify themselves with the people and the institution of this Union; in the prevention of incompetency in office, with the after troubles, perplexities and litigations so frequently attendant upon such incompetency; and in the more intelligent, just and honest discharge of official duties.

The majority of your committee believe, that the subject matter of said bill is not contained in any of the statutes of this Territory, and believe further, that such omission was caused only by oversight on the part of the framers of those statutes, and not by any want of conviction of the necessity or advantage of such a provision.

This portion of your committee, therefore, recommend the passage of said bill.

R. C. BARNARD,

C. A. GOSHEN.

Mr. Marquette of Cass, moved that the minority report be accepted and adopted.

Mr. Tufts of L'eau-qui-Court moved that the whole subject matter be referred to the Territorial School Commissioner.

Declared out of order.

The question being on the adoption and acceptance of the minority report, it was

Carried, and

The minority report accepted and adopted.

Mr. Brodhead of Otoe, from the Joint Committee on State Organization, to which was referred

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Submitted the following report:

Mr. Speaker:

The joint committee on behalf of the Council and House of Representatives, to which was referred

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Have had the same under consideration and respectfully submit the accompanying amended bill:

The committee appointed on behalf of the House would respectfully urge upon your honorable body immediate action in the premises. It is, perhaps, unnecessary that your committee should urge a single reason in favor of the passage of this bill or one of like import, yet there are some considerations which appear to the minds of your committee of such pertinence that a bare mentioning of them may not be deemed improper.

The fate of every newly organized society, in a government constituted as ours, is dependent, to a considerable degree, upon the patronage we receive at the hands of the Federal government. This is a fact so clear to the mind of every citizen that your committee do not deem it necessary to prove it by argument. Again, it will not for a moment be questioned that our chances of government patronage will be increased in proportion to the increase of our political power; suppose then, instead of having a mere delegate in Congress to represent us, who is clothed with no power and having no voice in the deliberations of our national council, we had two senators and a representative, peers in power with the senators and representatives of the oldest and proudest states of the Union; with two persons occupying that position in the Senate and one in the House of Representatives of the United States, who can tell how much they could accomplish for our western interests? It is needless for your committee to set forth the many reasons why we, in our territorial condition should not use our utmost endeavors towards effecting an early admission of Nebraska as one of the sovereign states of the Union. It is a fact too well known to the minds of our people, that as long as we remain in our territorial condition, we derive no benefit from the valuable school lands that have been appropriated to us by the general government for educational purposes; we do not receive the five per centum of the net proceeds of the sales of public lands by the general government within the territory, which we

would otherwise receive were we living under a state government; we do not receive large appropriations of the public lands to encourage internal improvements; Congress will not donate to us grants of the public lands to aid us in the construction of rail roads. A simple statement of these deprivations is sufficient to show the benefits and gain to be derived from a state government. Again, the construction of a Pacific rail road is no longer a marvel, it is a foregone conclusion, and who can tell but that the votes of our own Senators from the state of Nebraska would determine its location through our own state.

Your committee would therefore submit their report to the favorable consideration of this honorable body, and recommend the passage of the accompanying substitute.

WM. H. BRODHEAD,
HOUSTON NUCKOLLS,
JESSE NOEL.

On motion of Mr Reynolds of Otoe,
The report was accepted and adopted.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to which was referred,

H. F. No. 28, "A bill for an act to repeal an act authorizing John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county,"

Having had the same under consideration, report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

C. B. No. 1, "A bill for an act to provide for the execution of sentences upon criminals, and their transportation to the penitentiary of a state,"

Taken up.

Read the first time.

On motion of Mr. Belden of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Judiciary.

C. B. No. 23, "A bill for an act to better define the geographical limits of the city of Bellevue, Sarpy county in this Territory, and for other purposes,"

Taken up.

Read the first time.

The Speaker called Mr. Hanscom of Douglas, to the chair, and

On motion of Mr. Strickland of Sarpy,

The rules were suspended, the bill read a second and third time by its title.

Passed and title agreed to.

Mr. Nuckolls of Otoe, introduced

H. F. No. 56, "A joint resolution relative to decisions of the supreme court."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Judiciary.

H. F. No. 28, "A bill for an act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county,'"

Taken up.

Mr. Nuckolls of Otoe, offered a substitute, which was,

On motion,

Adopted.

On motion of Mr. Campbell of Otoe,

The bill was recommitted to the Committee on Corporations.

H. F. No. 18, "A bill for an act to provide for the taking up and disposal of estrays,"

Taken up.

The amendments proposed thereto by the committee were adopted, and

On motion of Mr. Davis of Cass,

Ordered to be engrossed and read a third time to-morrow.

H. F. No. 30, substitute, "A bill for an act for the relief of insolvent debtors,"

Taken up, and

On motion of Mr. Belden of Douglas,

Referred to the Committee of the Whole, and made the special order of the day for Monday next.

H. F. No. 39, "A bill for an act to regulate the election to and holding of territorial and county offices,"

Taken up, and

On motion of Mr. Belden of Douglas,

Indefinitely postponed.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Taken up, and

On motion of Mr. Collier of Burt,

Referred to the Committee of the Whole, and made the special order of the day for Tuesday next.

Mr. Bowen of Washington, moved that 100 copies of the same be printed.

An amendment to the effect that 200 copies be printed, was

Lost, and

The question being on the original motion, it was

Carried, and

One hundred copies ordered printed.

On motion,

The House adjourned at 1½ o'clock, P. M.

Thursday, December 15th, 1859.

HOUSE OF REPRESENTATIVES,
Thursday, December 15th, 1859. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Barnard, Crowe, Kennedy, Malcolm, Rogers, Stewart, and Taffe.

A quorum being present the Journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Thursday, December 15th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

C. B. No. 4, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska.'"

Also,

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company,"

And the concurrence of the House is requested.

I also return to your honorable body

H. F. No. 2, "An act authorizing the treasurer of Johnson county to collect the taxes of said county,"

The same having passed the Council with the following amendments:

In the 20th line of the first section strike out the word "set" and insert the word "be."

I also return to you

H. F. No. 21, "An act to legalize the first organization of Gage county, and the location of the county seat at Beatrice, and the official acts of the officers of said county."

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Hanscom of Douglas, introduced

H. F. No. 57, "A bill for an act to regulate the amount of taxes hereafter to be levied."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rule was suspended and the bill read a second time by its title and ordered engrossed for a third reading on to-morrow.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 58, "A bill for an act to organize the county of Kearney, to define its boundaries and to locate the county seat thereof."

Read the first time.

On motion of Mr. Tufts,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Boundaries and County Seats.

Mr. Latta of Cass, introduced

H. F. No. 59, "A bill for an act for the stay of executions in certain cases."

Read the first time.

On motion of Mr. Johnson,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Lake of Douglas, introduced

H. F. No. 60, "A bill for an act entitled 'An act to fix the time for holding the district courts in the first judicial district.'"

Read the first time, and

On motion of Mr. Lake,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Baker of Nemaha, introduced

H. F. No. 61, "A bill for an act to incorporate the city of Peru."

On motion of Mr. Bowen of Washington,

The bill was read the first time by its title, and

On motion of Mr. Latta of Cass,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Corporations.

Mr. Belden of Douglas, on leave introduced

H. F. No. 62, "A bill for an act in relation to the publication of the decisions of the supreme court."

Read the first time, and

On motion of Mr. Johnson of Douglas,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Stephenson of Cass, introduced

H. F. No. 63, "A bill for an act to regulate line fences and define what constitutes a lawful fence."

Read the first time, and

On motion of Mr. Maxwell of Cass,

The rule was suspended and the bill read a second time by its title and referred to the Committee on Agriculture.

The following notices of bills were given:

By Mr. Bowen of Washington,

Of a bill to amend the license law.

By Mr. Bates of Dakota,

Of a bill to charter and incorporate the ancient and honorable order of Sons of Malta.

By Mr. Nuckolls of Richardson,

Of a bill to incorporate the St. Stephens, Salem and Denver city express company.

Mr. Goshen of Johnson, introduced

H. F. No. 64, "A bill for a territorial road from Worral's bridge in Nemaha county to Pawnee city."

Read the first time, and

On motion of Mr. Keeling of Nemaha,

The rule was suspended, and the bill read a second time by its title and referred to the Committee on Roads.

Mr. Rogers of Dodge, introduced

H. F. No. 65, "A bill for an act to amend an act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska."

Read the first time.

On motion of Mr. Rogers,

The rule was suspended, and the bill read the second time by its title and referred to the Committee on Agriculture.

Mr. Myers of Richardson, introduced

H. F. No. 66, "A bill for an act to establish a territorial road in Nemaha and Richardson counties."

Read the first time.

On motion of Mr. Johnson,

The rule was suspended, and the bill read a second time by its title and referred to the Committee on Roads.

Mr. Hanscom of Douglas, introduced

H. F. No. 67, "A bill for an act to amend an 'Act providing for the better regulation of schools in Nebraska.'"

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rule was suspended, and the bill read a second time by its title, and

On motion,

Ordered engrossed for a third reading on to-morrow.

Mr. Collier of Burt, moved that the bill be referred to the Committee on Public Schools.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bates, Belden, Bowen, Burbank, Campbell, Collier, Davis, Goshen, Hinsdale, Johnson, Keeling, Lake, Latta, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Shields, Stephenson, Stewart and Taffe.—25.

Nays—Messrs. Adams, Barnard, Brodhead, Hanscom, Malcolm, Reck, Reynolds, and Tuft.—8.

Carried, and

The bill referred.

Mr. McCasland of Pawnee, introduced

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties."

Read the first time.

On motion of Mr. McCasland,

The rule was suspended, and the bill read a second time by its title and referred to the Committee on Roads.

Mr. Reynolds of Otoe, offered the following:

Resolved, That the Committee on Roads be instructed to report a general road bill, which shall authorize the county commissioners to locate and establish all roads passing through their respective counties.

Laid over under the rule.

Mr. Burbank of Richardson, on leave, introduced

H. F. No. 69, "A bill for an act for the better regulation of territorial roads."

Read the first time.

On motion of Mr. Belden,

The rule was suspended, and the bill by its title read a second time and referred to the Committee on Roads.

Mr. Goshen offered the following:

Resolved, That the Clerk of the House be required to furnish to each member thereof, five copies of the Omaha Daily Nebraskan during the session, for the purpose of free distribution among the people.

Laid over under the rule.

Mr. Stephenson of Cass, gave notice

Of a bill to amend the revenue law.

Mr. Nuckolls of Otoe,

Of a bill entitled an act to provide for the issuing of writs *ad quod dam unum*, to condemn land for mills.

Mr. Hanscom, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 28, "An act to establish and run a ferry across the Missouri river at Nebraska city,"

Have had the same under consideration, and report the same back to the House without recommendation.

A. J. HANSCOM.

Report accepted and adopted.

Mr. Brodhead, chairman of the Committee on Federal Relations, submitted the following report:

Mr. Speaker:

Your committee to which was referred joint resolution and memorial to Congress relative to school lands in Richardson county, have had the same under advisement, and report the same back to the favorable House and recommend its passage.

WM. H. BRODHEAD,

W. W. KEELING,

T. H. ADAMS,

R. C. BARNARD,

JOHN TAFFE.

Report accepted.

Mr. Belden, chairman of the Committee on Public Buildings and Grounds, submitted the following report:

Mr. Speaker:

Your committee, to which was referred joint memorial and House resolution relating to the Capitol buildings of Nebraska Territory, having had the same under consideration, beg leave, most respectfully, to report the same back to the House without amendment and recommend its passage.

D. D. BELDEN,
W. S. SHIELDS,
W. S. LATTI,
HOUSTON NUCKOLLS.

Report accepted.

Mr. Hanscom, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 23, "A bill to amend an act authorizing Joel H. Johnson to keep and run a ferry across the Loup Fork of the Platte river, at the town of Genoa in Monroe county,"

Having had the same under consideration, beg leave to make the following report:

That upon examination of the law chartering said ferry company, your committee find that said company have a ferry privilege to the extent of five miles in length upon said river, which, in the opinion of your committee, is more than ought to be granted to any one company upon said river, and therefore your committee recommend that the bill be indefinitely postponed.

And, also, report back

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru,"

With the following amendments:

Strike out all after the word "granted," in the 22d line of section 1st, and before the words "to use" in the 26th line of said section; also strike out "section four" of said bill, and recommend the passage of the bill as amended.

A. J. HANSCOM,
JOHN RECK.

Report accepted.

Mr. Reck, from joint committee, submitted the following report:

Mr. Speaker:

Your committee, to which was referred a joint resolution of the Council and House of Representatives, authorizing the Governor's message to be translated into the German language and one thousand copies thereof to be printed, beg leave to report that we have taken the subject under our consideration and have conferred with Mr. Augustus Roeder, who offers to furnish a correct translation and superintend the printing of the same. Your committee believing him to be eminently

qualified, would therefore respectfully recommend that Mr. Augustus Roeder be appointed to translate the Governor's message into the German language, and to superintend the printing of one thousand copies thereof.

JOHN RECK,	} House.
ALEXANDER BAIN,	
GEO. E. SCOTT,	} Council.
JNO. R. PORTER,	

Report accepted.

On motion of Mr. Malcolm,

Leave of absence was granted to Mr. Kennedy until Monday next.

C. B. No. 4, "A bill to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the territory of Nebraska.'"

Taken up and

Read the first time.

On motion,

The rule was suspended and the bill by its title read a second time and referred to the Committee on Ways and Means.

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge company."

Taken up and

Read the first time.

Mr. Johnson moved that the rule be suspended and the bill by its title read the second time, and referred to the Committee on Corporations.

Mr. Rogers moved that the bill be referred to the Committee on Internal Improvements.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Bain, Baker, Belden, Bowen, Burbank, Campbell, Collier, Davis, Hinsdale, Latta, Maxwell, Myers, Noel, Rogers, Reynolds, Stephenson.—16.

Nays—Messrs. Adams, Arnott, Barnard, Bates, Brodhead, Goshen, Hanscom, Johnson, Keeling, Lake, Malcolm, Marquette, McCasland, Nuckolls of Otoe, Reck, Shields, Stewart, Taffe and Tuft.—19.

Lost.

Question now occurring on the original motion, it was

Carried, and

Bill read a second time, and referred to the Committee on Corporations.

H. F. No. 28, "A bill for an act to repeal an act entitled 'An act to authorize John Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

A substitute taken up, and

On motion,

Adopted.

Mr. Nuckolls of Otoe, moved to reconsider the vote by which the House adopted substitute to H. F. No. 28.

Mr. Nuckolls of Otoe, moved to amend as follows:

Amend section 2d by adding the words, " Provided, That the commissioners of Otoe county may, at their discretion, rent or lease said ferry privilege from year to year or for a term of not more than five years, requiring the lessees to give such bonds for the faithful carrying out of the provisions of this act as the best interest of the county and the public may, in their judgment, require."

Amendment adopted.

Mr. Campbell of Otoe, moved to amend by striking out all that portion which refers to assessing damages.

Mr. Maxwell moved to postpone the whole subject matter, and to make it the special order of the day for Wednesday next.

Lost.

Amendment adopted.

Bill ordered engrossed.

H. F. No. 20, " A bill for an act to incorporate a seminary at Peru,"

Taken up.

Mr. Stephenson of Cass, moved that the bill be postponed until day after to-morrow.

Carried.

H. F. No. 23, " A bill for an act to amend an act entitled ' An act to authorize Joel H. Johnson to keep and run a ferry at Genoa in Monroe county,' "

Taken up.

Mr. Hanscom moved that the bill be postponed until Saturday.

Lost.

On motion of Mr. Hanscom of Douglas,

The bill was indefinitely postponed.

Joint resolution and memorial relative to school lands in Richardson county,

Taken up.

Read the third time.

Passed and title agreed to.

Joint resolution praying for an appropriation to complete the Capitol,

Taken up,

Read the third time.

On motion of Mr. Hanscom of Douglas,

The bill passed and title agreed to.

Mr. Malcolm of Douglas, offered the following:

Resolved, That the reporter of the Omaha Republican be excluded from the bar of the House, unless he reports the proceedings of this honorable body correctly and as recorded in the journals of the House.

Laid over under the rule.

Mr. Rogers of Dodge, from the special committee to which was referred the joint resolution and memorial with reference to the Pawnee Indians, reported the same back to the House and recommended its passage.

Report accepted.

Mr. Davis of Cass, moved that 100 copies of
H. F. No. 33, "A bill for the better regulation of schools,"
Be printed for the use of members.

Mr. Davis, on leave, amended his motion so as to include all bills now
in the hands of the committees, on the subject of common schools.

Amendment lost.

Original motion lost.

Joint resolution and memorial relative to the Pawnee Indians,

Taken up.

Read the third time.

Passed, and title agreed to.

Mr. Myers of Richardson, moved to adjourn.

Lost.

Mr. Davis of Cass, moved that the Sergeant-at-Arms be instructed to
distribute 3000 copies of the Governor's message ordered printed,
equally among the members and officers of this House.

Carried.

Mr. Johnson of Douglas, moved to adjourn.

Carried, and

The House adjourned at 1 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Friday, December 16th, 1859: }

House met at the usual hour.

The Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Bates, Burbank, Collier, Davis, Kennedy, Latta and
Taffe.

A quorum being present,

The Journal of yesterday's session was read, amended and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Friday, Dec. 16th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has
passed

C. B. No. 13, "A bill for an act to amend the charter of Nebraska
city."

And the concurrence of the House therein is respectfully requested.

I also return to you

H. F. No. 24, "An act to legalize the collection of taxes in Dakota,
county for the year 1859."

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk,

Mr. Rogers of Dodge, presented a petition from the citizens of Logan precinct in Dodge county, for the repeal of so much of an act entitled "An act to restrain cattle, horses, sheep and swine from running at large in the counties of Platte, Monroe, Dodge and Hall," as refers to Logan precinct, or a supplementary act to the forementiqned act, &c.,

Which was read, and

On motion of Mr. Rogers,

Referred to the members from Dodge, Platte and Hall counties.

Mr. Lake of Douglas, presented a petition of the members of the bar of the territory relative to revising, collating and indexing the statutes.

Which was read, and

On motion of Mr. Lake,

Referred to the Committee on Judiciary.

Mr. Nuckolls of Richardson, on leave introduced

H. F. No. 70, "A bill for an act to prevent free negroes or mulattoes from settling in this territory."

Read the first time.

On motion of Mr. Noel,

The rule was suspended and the bill read the second time by its title and referred to a special committee of three.

Speaker appointed Messrs. Nuckolls of Richardson, Johnson and Marquette such committee.

Mr. Hinsdale of Dakota, introduced

H. F. No. 71, "A bill for an act to define more definitely the terms of county officers."

Read the first time, and

On motion of Mr. Taffe,

The rule was suspended and the bill by its title read the second time and referred to a special committee of three.

Speaker appointed Messrs. Taffe, Hinsdale and Burbank such committee.

Mr. Keeling asked and obtained unanimous consent to submit the report of the Committee on Accounts and Expenditures.

Mr. Speaker:

Your committee, having had under consideration the petition of Messrs. Tootle and Jackson, together with the testimony taken to substantiate the same, do now respectfully report, that in their opinion the account presented by said petitioners for payment is just and true, but that in the opinion of said committee the same is not or should be a charge against the Territory of Nebraska, and that the government of the United States is liable therefor, it having been necessarily incurred in an unarmed military defense of the citizens, and property of the settlers of this territory. Said committee, therefore, recommend the adoption of the accompanying

H. F. No. 72, "A joint resolution and memorial praying for an appropriation for the relief of Tootle and Jackson.

W. W. KEELING,
J. N. STEPHENSON,
E. H. ROGERS,
WM. R. DAVIS,
JOHN S. BOWEN.

Bill read the first time.

Rules suspended.

Bill by its title read a second time and referred to the Committee on Militia.

Mr. Adams of Otoe, introduced

H. F. No. 73, "A bill for an act entitled 'An act concerning costs in certain cases.'"

Read the first time.

On motion of Mr. Reynolds,

The rule was suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Crowe of Nemaha, introduced

H. F. No. 74, "A bill for an act to locate a territorial road in the counties of Nemaha and Richardson."

Read the first time.

On motion of Mr. Keeling,

The rule was suspended, and the bill by its title read the second time and referred to the Committee on Roads.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following majority report:

Mr. Speaker:

The majority of your committee to which was referred

H. F. No. 44, entitled "A bill for an act to collect and compile the laws of Nebraska Territory,"

Beg leave to report: That they have, according to order, had the same under consideration, and have come to the conclusion, that although it might be very convenient to have all the general laws heretofore passed and now in force in our Territory, arranged in one volume with a suitable and perfect index thereto, yet considering the depleted condition of the territorial treasury, the debt which already weighs upon our people and the many inducements which ought to prompt us to exercise a most rigid economy, and to curtail all expenditures not absolutely essential to our welfare and safety, believe that we had better defer this work and the consequent expense to some future and more favorable time.

The majority of your committee directed me to recommend that the further consideration of the bill be indefinitely postponed.

GEORGE B. LAKE, Chairman,
Judiciary Committee.

Report accepted and laid on the table until to-morrow.

Friday, December 16th, 1859.

Mr. Bowen from the Committee on Ways and Means, submitted the following majority report:

Mr. Speaker:

The undersigned, a majority of your Committee on Ways and Means, to which was referred

H. F. No. 18, entitled "A bill for an act to amend an act to provide for the valuation and assessment of the real and personal property, and for levying and collection of taxes in the Territory of Nebraska;"

Also,

H. F. No. 32, entitled "A bill for an act entitled 'An act for the relief of tax payers of the county of Douglas;'"

Respectfully report: That they have had the same under consideration, and report herewith a substitute, embracing the provisions of both bills in all essential points, with amendments, and recommend the passage of said substitute.

JOHN S. BOWEN,
JOHN P. BAKER,
J. N. McCASLAND.

Report accepted and adopted.

Mr. Campbell, chairman of the Committee on Ways and Means, submitted the following minority report:

Mr. Speaker:

Your Committee on Ways and Means, to which was referred

H. F. No. 32, "Providing for the relief of the tax payers of Douglas county,"

Have had the same under consideration, and beg leave to report: That in the opinion of the committee, all laws of a general nature ought to be of a uniform application throughout the Territory, and that the passage of the bill under consideration would be unwise and impolitic, as well as unjust to the balance of the Territory. Sympathizing, however, with the citizens of Dodge county, and with the people of the whole Territory who are groaning under a grievous taxation, a majority of your committee have resolved to offer a substitute; and the minority recommend to your favorable consideration Council bill No. 4, which embodies all the amendments for the collection of taxes in the revenue law, that are expedient at the present time, which will in some degree relieve the tax payers of the Territory. JOHN C. CAMPBELL.

Mr. Lake, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 53, entitled "A bill for an act to extend the jurisdiction of the district and probate courts,"

Have, according to order, had the same under consideration, and have directed me to report the same back without amendment, and most respectfully recommend its passage.

GEORGE B. LAKE, Chairman
Judiciary Committee.

Report accepted and adopted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 47, entitled "A bill to require county commissioners to give bonds,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed.

GEORGE B. LAKE, Chairman

Judiciary Committee.

Report accepted and adopted.

C. B. No. 13, "A bill for an act to amend the Charter of Nebraska city,"

Taken up.

Read the first time.

Mr. Bates of Dakota, presented a petition of the citizens of Dakota county relative to the school law, which was read, and

On motion,

Referred to the Committee on Public Schools.

Mr. Maxwell of Cass, gave notice

Of a bill to provide for the appointment of an agent to select lands in lieu of those pre-empted on sections 16 and 36.

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo, Richardson county, to Blue Springs, Gage county,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Bates of Dakota, introduced

H. F. No. 75, "A bill to provide for the erection of a bridge across Black Bird creek."

Read the first time.

On motion of Mr. Campbell,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Ways and Means.

C. B. No. 4, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,'"

Taken up, and

Made the special order of the day for Wednesday next, in Committee of the Whole.

H. F. No. 18, "A bill for an act to provide for the taking up and disposal of estrays,"

Taken up, and

Referred to the Committee of the Whole, and made the special order of the day for Wednesday next.

Friday, December 16th, 1859.

H. F. No. 32, "A bill for an act for the relief of the tax payers of Douglas county,"

Taken up, and

Referred to the Committee of the Whole, and made the special order of the day for Wednesday next.

H. F. No. 43, "A bill for an act to locate a territorial road from Nebraska city, via Helena in Johnson county, to Beatrice in Gage county,"

Taken up.

The bill by its title read the third time.

Passed and title agreed to.

H. F. No. 10, "A bill for an act to locate a territorial road from Decatur to Columbus,"

Taken up, and

The bill by its title read a third time.

Bill passed and title agreed to.

H. F. No. 64, "A bill for a territorial road from Worral's bridge in Nemaha county, to Pawnee city,"

Taken up, and

The bill by its title read a third time.

Bill passed and title agreed to.

H. F. No. 38, "A bill for an act to amend an act entitled 'County commissioners,'"

Taken up.

Mr. Goshen of Johnson, moved that the bill be referred to a special committee of five.

Lost.

Mr. Goshen moved that the bill be indefinitely postponed.

Carried.

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties,"

Taken up.

The bill by its title read a third time.

Bill passed and title agreed to.

H. F. No. 53, "A bill for an act to extend the jurisdiction of the district and probate courts."

Taken up and

On motion of Mr. Lake,

Ordered engrossed for a third reading on to-morrow.

H. F. No. 34, "A bill for an act to extend the time for the payment of taxes in Nebraska Territory."

Taken up, and

On motion of Mr. Lake,

Referred to the Committee of the Whole, and made the special order of the day for Wednesday next.

H. F. No. 37, "A bill for an act to regulate the toll of millers."

Taken up.

Mr. Reck of Platte, moved to suspend the rule and read the bill a third time.

Mr. Lake of Douglas, moved the indefinite postponement of the bill.
Lost.

Original motion withdrawn.

On motion of Mr. Tufts of L'eau-qui-Court,

The bill was ordered engrossed and read a third time to-morrow.

H. F. No. 47, "A bill for an act to require county commissioners to give bond."

Taken up, and

On motion of Mr. Goshen of Johnson,

Referred to a special committee of five.

Messrs. Goshen, Lake, Nuckolls of Otoe, Collier and Stewart appointed such committee.

The resolution offered yesterday by Mr. Malcolm of Douglas, for the purpose of expelling the reporter of the Omaha Republican from the bar of this House unless he report the proceedings of this honorable body correctly, and which was laid over under the rule, was then

Taken up.

Mr. Reynolds of Otoe, moved to lay the resolution on the table.

Mr. Malcolm asked leave to withdraw the resolution.

Not granted.

The question occurring on the motion to lay on the table, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart, Taffe and Tufts.—35.

Nays—Messrs. Malcolm and Nuckolls of Richardson.—2.

So the resolution was laid on the table.

The resolution offered yesterday by Mr. Reynolds of Otoe, instructing the Committee on Roads to report a general road bill which shall authorize the county commissioners to locate and establish all roads passing through their respective counties, and which was laid over under the rule, was

Taken up, and

On motion of Mr. Johnson of Douglas,

Laid on the table.

The resolution offered yesterday by Mr. Goshen of Johnson, instructing the Clerk to procure five copies of the Daily Omaha Nebraskan for each member of the House for free distribution among the people, and which was laid over under the rule, was

Taken up, and

On motion of Mr. Campbell of Otoe,

Postponed indefinitely.

Motion to adjourn was then made, upon which the ayes and nays were demanded:

Friday, December 16th, 1859.

Ayes—Messrs. Bates, Brodhead, Malcolm and Tufts.—4.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Belden, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart and Taffe.—38.

Mr. Marquette of Cass, moved that the House now resolve itself into Committee of the Whole for the purpose of considering

H. F. No. 4, "An act to abolish and prohibit slavery or involuntary servitude within this territory."

Mr. Reck of Platte, moved to take a recess until 2 o'clock P. M.

Lost.

Question occurring on the original motion it was

Carried and

The House went into Committee of the Whole.

Mr. Tufts of L'eau-qui-Court, in the chair.

The House having resumed business,

Mr. Tufts, from the Committee of the Whole, reported that the committee had had H. F. No. 4, under consideration, and report the same back to the House.

Mr. Reynolds moved that the report of the committee be rejected.

Lost.

Mr. Hanscom of Douglas, moved that the report be accepted.

Carried.

Mr. Hanscom then moved to amend the bill by striking out the words "abolished and" before the words "prohibited," wherever found in the bill or title.

Call of the House ordered.

Absent—Messrs. Crowe and Kennedy.

Question occurring on the adoption of the amendment,

The ayes and nays were demanded, when the vote stood as follows.

Ayes—Messrs. Arnott, Baker, Bowen, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Rogers, Reck, Shields, Stephenson, Stewart and Taffe.—19.

Nays—Messrs. Adams, Bain, Barnard, Bates, Belden, Brodhead, Campbell, Goshen, Hinsdale, Johnson, Keeling, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson and Reynolds.—16.

So the amendment was

Adopted.

Mr. Campbell of Otoe, moved to amend by inserting "and that all free blacks shall be prohibited from settling in this territory."

Declared out of order.

Mr. Johnson of Douglas, moved to strike out the enacting clause, upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Bates, Belden, Brodhead, Campbell, Goshen,

Hinsdale, Johnson, Keeling, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson and Tufts.—14.

Nays—Messrs. Arnott, Bain, Baker, Barnard, Bowen, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart and Taffe.—22.

So the motion to strike out was

Lost.

Mr. Campbell of Otoe, moved to adjourn.

Ayes and nays demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Arnott, Bates, Belden, Brodhead, Campbell, Goshen, Hinsdale, Johnson, Keeling, Malcolm, Noel, Nuckolls of Otoe, Shields and Tufts.—15.

Nays—Messrs. Bain, Barnard, Baker, Bowen, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Richardson, Rogers, Reck, Reynolds, Stephenson, Stewart and Taffe.—21.

So the motion to adjourn was

Lost.

Mr. Campbell of Otoe, moved that the bill be engrossed and read a third time to-morrow.

Carried.

After which,

On motion of Mr. Taffe of Dakota,

At 4½ o'clock P. M., the House adjourned.

HOUSE OF REPRESENTATIVES,

Saturday, December 17th, 1859. }

The House met at the usual hour.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Davis, Lake and Marquette.

A quorum being present,

The journal of yesterday was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,

Saturday, Dec. 17th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 5, "A bill for an act to frame a state government for the state of Nebraska."

Also,

C. B. No. 15, "A bill for an act to incorporate Table Rock seminary."

Also,

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code, relative to the custody of convicts and for other purposes."

Also,

C. B. No. 30, "A bill for an act to organize and define the boundaries of Morton county, and locate the county seat thereof."

And,

C. B. No. 16, "An act to incorporate the town of Table Rock;"

And,

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska;"

And,

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4, 1858;"

And,

C. B. No. 18, "A bill for an act to incorporate the Pappillon mill company;"

And the concurrence of the House is respectfully requested.

I also return to your honorable body,

H. F. No. 25, "A bill for an act to erect a mill dam across the north fork of the Great Nemaha river in Johnson county;"

And,

H. F. No. 11, "A bill for an act to legalize the acts of William Pilgrim, late register of deeds of Dakota county;"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Maxwell of Cass, introduced

H. F. No. 76, "A bill for an act to provide for the appointment of an agent or commissioner to select lands in lieu of those pre-empted in sections 16 and 36."

Read the first time.

On motion of Mr. Maxwell,

The rules were suspended, and the bill read the second time by its title and referred to the Committee on Common Schools.

Mr. Goshen, one of your Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your Committee on Boundaries and County Seats, to which was referred

H. F. No. 58, entitled "An act to organize the county of Kearney, to define its boundaries and to locate the county seat thereof,"

Having had the same under consideration, beg leave to report

the same back to the House without amendment, and recommend its passage.

JAMES TUFTS,
CHARLES A. GOSHEN,
J. S. STEWART,
H. NUCKOLLS,
JOHN RECK.

Report accepted and adopted.

Mr. Reynolds from the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, report back

H. F. No. 4, entitled "A bill to prohibit slavery in the Territory;"

Also,

H. F. No. 28, "An act entitled 'An act to repeal an act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county;'"

As correctly engrossed.

J. NOEL,
W. W. REYNOLDS.

C. B. No. 18, "A bill for an act to incorporate the Papillion mill company,"

Taken up.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, and the bill read a second time by its title and referred to the Committee on Corporations.

C. B. No. 5, substitute, "A bill for an act to frame a state government for the state of Nebraska,"

Taken up, and

Read the first time.

On motion of Mr. Hanscom,

The rules were suspended, and the bill read the second time by its title and referred to the Committee of the Whole, and made the special order of the day for Tuesday next.

C. B. No. 22, "A bill for an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858,"

Taken up.

Read the first time.

Mr. Johnson of Douglas, moved that the rules be suspended, and the bill read the second time by its title and referred to a special committee of three.

Mr. Hanscom moved to amend by referring the bill to the Committee on Common Schools.

Amendment accepted, and

On motion,

Carried.

Bill read a second time and so referred.

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska,"

Taken up, and

Read the first time.

On motion of Mr. Johnson,

The rules were suspended and the bill read a second time by its title and referred to the Committee on Agriculture.

Mr. Brodhead, chairman of the Committee on Federal Relations, submitted the following report:

Mr. Speaker:

Your committee to which was referred

"Joint resolution and memorial to Congress, asking an appropriation of fifty thousand dollars to construct a military road from Nebraska city to New Fort Kearney,"

Have had the same under consideration, and report the bill back to the House without amendment and recommend its passage.

WM. H. BRODHEAD, Chairman,

W. W. KEELING,

JOHN TAPPE,

T. H. ADAMS,

R. C. BARNARD.

Report accepted.

C. B. No. 16, "An act to incorporate the town of Table Rock,"

Taken up.

Read the first time.

On motion of Mr. Campbell,

The rules were suspended, and the bill read the second time by its title and referred to the Committee on Corporations.

C. B. No. 15, "A bill for an act to incorporate Table Rock seminary,"

Taken up.

Read the first time.

On motion of Mr. Collier,

The rules were suspended, and the bill read by its title a second time and referred to the Committee on Corporations.

C. B. No. 30, "A bill for an act to organize and define the boundaries of Morton county in Nebraska Territory, and locate the county seat thereof,"

Taken up.

Read the first time.

On motion of Mr. Goshen,

The rules were suspended, and the bill read the second time by its title and referred to the Committee on Boundaries and County Seats.

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code relative to the custody of convicts, and for other purposes,"

Taken up.

Read the first time.

On motion of Mr. Belden,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Judiciary.

C. B. No. 13, "A bill for an act to amend the charter of Nebraska city."

Taken up.

Read the second time.

On motion of Mr. Hanscom,

The bill was referred to the Committee on Ways and Means.

Mr. Lake, chairman of the Committee on Judiciary, submitted the following majority report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 13, entitled "A bill to provide for the foreclosure of mortgages by advertisement,"

Have, according to order, had the same under consideration, and beg leave to report: That in their opinion the same should not be passed, and would recommend that the same be indefinitely postponed.

GEORGE B. LAKE, Chairman,
D. D. BELDEN,
WM. H. BRODHEAD,
JAMES TUFTS.

Report accepted.

H. F. No. 28, "An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county,'"

Taken up.

Read the third time.

Passed and title agreed to.

Call of the House ordered.

Absent—Messrs. Arnett, Hinsdale and Tufts.

Mr. Hanscom moved that all further proceedings under the call be dispensed with.

Carried.

"Memorial and joint resolution praying for an appropriation of one hundred thousand dollars, for the purpose of bridging the Loup fork of the Platte river,"

Was taken up, when

Mr. Barnard, from the Committee on Federal Relations, to which the same had been referred, submitted the following minority report:

Mr. Speaker:

The minority of your Committee on Federal Relations, to which was referred

"Joint Resolution and Memorial to the Congress of the United States, asking an appropriation for the construction of a bridge across the Loup Fork of the Platte river,"

Having had the same under consideration, respectfully report: That an estimate of the cost of constructing a bridge across the Loup Fork has been made by a member of the corps of United States engineers,

after personal examination of the locality, the total amount of which estimate was eighty thousand dollars, and that this portion of your committee deem it consistent with expediency and propriety to amend said joint resolution and memorial by changing the words "one hundred thousand dollars" to "eighty thousand dollars." Your committee respectfully recommend that the joint resolution and memorial, as above amended be passed.

R. C. BARNARD.

Report accepted, and

On motion of Mr. Hanscom,

The amendment adopted.

Joint resolution and memorial as amended,

Read the third time.

Passed and title agreed to.

H. F. No. 52, "Memorial and joint resolution praying for an appropriation of fifty thousand dollars to construct a military road from Nebraska city to New Fort Kearney.

Taken up, and

On motion

Ordered to be engrossed for a third reading on Monday.

H. F. No. 4, "A bill for an act to prohibit slavery from within this territory."

Taken up.

Read the third time.

Call of the House ordered.

Absent—Messrs. Arnott, Crowe, Malcolm and Kennedy.

Mr. Johnson of Douglas, moved that the Sergeant-at-arms be dispatched after absentees.

Lost.

Mr. Hanscom of Douglas moved that all further proceedings under the call be dispensed with.

Carried.

Call of the House ordered.

All present, and

All further proceedings under the call of the House dispensed with.

Mr. Reynolds of Otoe, moved to amend.

Ruled out of order.

Mr. Belden of Douglas, appealed from the decision of the Chair.

Declared out of order.

Mr. Collier of Burt, called for the previous question.

Withdrawn.

Mr. Campbell of Otoe, appealed from the decision of the chair denying the right to Mr. Reynolds to amend.

Ruled out of order.

Mr. Reynolds of Otoe, appealed from the decision of the Chair.

The question being,

"Shall the decision of the Chair stand as the judgment of the House?"

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Keeling, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Noels, Nuckolls of Otoe, Rogers, Reck, Shields, Stephenson, Stewart and Taffe.—28.

Nays—Messrs. Bates, Belden, Brodhead, Campbell, Johnson, Kennedy, Malcolm, Nuckolls of Richardson, Reynolds and Tufts.—10.

So the decision of the Chair was sustained.

Mr. Reynolds of Otoe, moved to amend as follows:

"Sec. 2. Any black or mulatto person, or Indian, or any person of Negro or Indian blood, shall be permitted to give evidence in favor or against any white person whatsoever; and his or her evidence shall be entitled to the same weight and credit in the courts of this territory as that of any white person."

"Sec. 3. Any acts or parts of acts in conflict with sec. 2d of this act are hereby repealed."

Declared out of order.

Mr. Reynolds appealed from the decision of the Chair.

Question then being,

"Shall the decision of the Chair stand as the judgment of the House?"

The Chair was sustained.

Mr. Campbell of Otoe, moved to recommit the bill to the Committee on Judiciary.

Declared out of order.

Mr. Brodhead of Otoe, moved that the bill be indefinitely postponed.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds and Tufts.—17.

Nays—Messrs. Arnott, Bain, Baker, Barnard, Bowen, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Rogers, Reck, Shields, Stephenson, Stewart and Taffe.—21.

So the motion to indefinitely postpone, was

Lost.

Mr. Johnson of Douglas, moved to adjourn.

Upon which, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Bates, Brodhead, Campbell, Johnson, Keeling, Malcolm, Myers, Nuckolls of Otoe and Tufts.—10.

Nays—Messrs. Arnott, Bain, Baker, Barnard, Belden, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Kennedy, Lake, Latta, Marquette, McCasland, Maxwell, Noel, Nuckolls of Richardson, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart and Taffe.—28.

So the motion to adjourn was

Lost.

The question being upon the passage of the bill,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Collier, Crowe, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Rogers, Reck, Shields, Stephenson, Stewart, and Taffe.—21.

Nays—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds and Tufts.—17.

So the bill was passed, and

The title was agreed to.

H. F. No. 58, "A bill to organize Kearney county, and to locate the county-seat thereof,"

Taken up:

Mr. Collier of Burt, moved that the bill be recommitted to the Committee on Boundaries and County seats, with instructions to furnish the House with information as to the population and the number of voters, and all the information in their possession showing the necessity for organization.

Mr. Taffe of Dakota, moved to amend the motion to recommit, by instructing the committee to report a provision allowing the citizens to locate the county seat by vote.

Amendment accepted.

Mr. Johnson of Douglas, moved to lay the motion to recommit and the amendment thereto, on the table.

Declared out of order.

Question recurring on the original motion,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bowen, Burbank, Campbell, Davis, Goshen, Keeling, Latta, Marquette, McCasland, Maxwell, Stephenson and Taffe.—14.

Nays—Messrs. Adams, Arnott, Barnard, Bates, Belden, Brodhead, Crowe, Hanscom, Johnson, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tuft.—21.

So the motion to recommit, was

Lost.

On motion of Mr. Belden of Douglas,
The House adjourned at 1½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Monday, December 19th, 1859. }

The House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Collier, Crowe, Kennedy, Rogers and Taffe.

On motion of Mr. Keeling of Nemaha,

Leave of absence was granted to Mr. Crowe of Nemaha, on account of illness.

A quorum being present,

The Journal of Saturday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Monday, Dec. 19th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

C. B. No. 27, "Joint resolution for the relief of Justin Davis,"

And the concurrence of the House is respectfully requested.

I also return to your honorable body

"A memorial and joint resolution relative to school lands in Richardson county."

And

"A memorial and joint resolution relative to the Pawnee Indians,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Davis of Cass, presented a petition of the citizens of Cass county, relative to the removal of the county seat thereof.

Petition read.

Mr. Davis of Cass, moved that the petition be referred to a special committee of five, consisting of the members of Cass, with instructions to report a special bill.

Carried.

Mr. Nuckolls of Otoe, introduced

H. F. No. 77, "A bill for an act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."

Read the first time.

On motion of Mr. Nuckolls of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Latta of Cass, on leave introduced

H. F. No. 78, "A bill for an act legalizing the official acts of Abram Towner."

Read the first time.

On motion of Mr. Marquette of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Maxwell of Cass, on leave introduced

H. F. No. 79, "A bill for an act to dissolve the bonds of matrimony between Margaret Josephine Depuy and George Depuy."

Read the first time.

Mr. Davis of Cass, moved that the rules be suspended, the bill read a second time by its title and referred to a special committee of three.

Mr. Hanscom of Douglas, called for a division of the question.

The question then being "shall the rules be suspended?" it was

Carried, and

The rules suspended.

The bill was then by its title read a second time.

Mr. Hanscom of Douglas, moved to refer to the Committee on Judiciary.

Lost.

The question then occurring on the motion to refer to special committee of three, it was

Carried.

Speaker appointed Messrs. Davis, Maxwell and Hanscom such committee.

Mr. Hanscom of Douglas, asked to be excused from serving on such committee.

Excuse granted, and

Mr. Brodhead of Otoe, appointed on such special committee in his stead.

Mr. Reck, of Platte, on leave introduced,

H. F. No. 80, "A bill for an act to legalize the election and qualification of the town officers of the town of Columbus in Platte county."

Read the first time.

On motion of Mr. Reck of Platte,

The rules were suspended, and the bill by its title read a second time.

On motion of Mr. Reck of Platte,

The rules were suspended, the bill by its title read a third time.

Passed and title agreed to.

Mr. Davis of Cass, on leave introduced

H. F. No. 81, "A bill for an act to repeal an act entitled 'Supplemental to an act to establish a Code of Civil Procedure.'"

Read the first time.

On motion of Mr. Davis of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Reck of Platte, on leave introduced

H. F. No. 82, "A bill for an act to attach part of Monroe county to Platte county."

Read the first time.

On motion of Mr. Reck of Platte,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

The following notices of bills were given:

By Mr. Maxwell of Cass,

Of a bill to provide for the establishment of a territorial board of equalization, to consist of one assessor from each organized county of the territory.

By Mr. Marquette of Cass,

Of a bill to regulate probate courts in this territory.

By Mr. Tufts of L'eau-qui-Court,

Of a bill to provide for the organization, defining the boundaries and locating the county seats of the counties of Boulder, Cache la Poudre, Cheyenne, Laramie and St. Vrain.

Mr. Lake of Douglas, introduced

H. F. No. 83, "A bill for an act regulating the fees and salaries of certain officers therein named.

Read the first time.

On motion of Mr. Lake of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

C. B. No. 13; "A bill for an act to amend the charter of Nebraska city,"

Have had the same under consideration, and the majority of said committee have instructed me to report the same back to the House without amendment and recommend its passage.

JOHN C. CAMPBELL, Chairman.

Report accepted.

Mr. Marquette of Cass, from the Committee on Judiciary, submitted the following minority report:

Mr. Speaker:

A minority of your committee, to which was referred

H. F. No. 44, "A bill for an act to provide for the collection and arrangement of the laws of Nebraska,"

Having had the same under consideration, beg leave to submit the following report:

1st. That the present condition of our laws, scattered as they are through some five different books, and mixed up with repealed laws, make it very difficult for a person to know what the laws of this territory are; and again, it is now impossible for persons to obtain all the different books containing the laws of our territory; and your com-

Monday, December 19th, 1859.

mittee has been convinced that some of the counties of this territory are entirely destitute of a copy of the laws passed at the second session of our legislature.

A minority of your committee are clearly of the opinion that no act would be made more conducive to the interests of this territory than the one under consideration, which proposes to collect and publish in one volume all the laws now in force, and to have the same properly indexed so that there will be no difficulty in ascertaining what laws are now in force. The undersigned would therefore earnestly recommend the passage of the bill.

All of which is respectfully submitted.

T. M. MARQUETTE.

Accepted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary,
Submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 60, "A bill for an act entitled 'An act fixing the time of holding the district courts in the first judicial district,'"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment, and would most respectfully recommend its passage.

All of which is most respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
WM. H. BRODHEAD,
JAMES TUFTS.

Accepted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 62, "A bill for an act in relation to the publication of the decisions of the supreme court,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the following amendment, to wit: That section 1st be so amended as to read as follows:

"Sec. 1. Be it enacted by the Council and House of Representatives of the Territory of Nebraska, That the decisions of the supreme court of this Territory which have been or hereafter shall be prepared by the reporter under the direction of said court, shall be published in the volume of the laws of the session of the Legislature of this Territory, next after such decisions shall be made: Provided, That all decisions of said court heretofore made and reported, shall be published in the volume of laws of the present session: And provided also, That no arguments of counsel shall be published with said reports, other than a

brief containing the points made, and a reference to the authorities cited and relied on by said counsel, unless specially directed by the court."

And that thus amended they would most respectfully recommend its passage. All of which is most respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
JAMES TUFTS,
T. M. MARQUETTE.

Accepted and adopted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 1, and C. B. No. 1, respecting the confinement and transportation of convicts in certain cases,

Have had the same under consideration, and report the same back to the House and recommend that it do not pass. But they beg leave to submit the following as a substitute, to wit:

"A bill for an act to provide for the transportation of convicts, and for other purposes."

And they recommend that the same do pass.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
W. H. BRODHEAD,
JAMES TUFTS.

Accepted and adopted.

C. B. No. 27, "Joint resolution for the relief of Justin Davis,"

Taken up.

Read the first time.

On motion of Mr. Marquette of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Accounts and Expenditures.

C. B. No. 13, "A bill for an act to amend the charter of Nebraska city,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 1, "A bill for an act to provide for the execution of sentence upon convicts, and their transportation to the penitentiary of a state,"

And,

H. F. No. 1, "A bill for an act providing for the punishment of criminals in certain cases,"

Taken up.

On motion of Mr. Hanscom of Douglas,

The substitute reported by the Committee on Judiciary, was Adopted, and

Ordered to be engrossed for a third reading on to-morrow.

Mr. Collier of Burt, introduced

H. F. No. 84, "A bill for an act to amend 'An act respecting juries.'"

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Judiciary.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 65, "A bill for an act to amend an act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska,"

Have had the same under consideration, and report the same back to the House and recommend its passage, with the following amendment: In section 1, on the 3d line, commencing with the words "And in proof;"

Also,

H. F. No. 54, "A bill for an act to authorize Silas Babcock to construct a mill dam across Long Branch,"

And report the same back without amendment, and recommend its passage;

Also,

H. F. No. 63, "A bill for an act regulating line fences, and to define what constitutes a lawful fence,"

Report the same back, and recommend its passage with the following amendments: By striking out in section 19, in the third line, the words "and costs that may have accrued;" and also, by annexing the following:

"Sec. 21. This act shall not extend to, or in any wise affect any county in this Territory in which horses, mules and cattle are restrained from running at large, by reason of legislative enactment."

HARRISON JOHNSON, Chairman.

Report accepted.

Mr. Myers of Richardson, moved that the rules be suspended, and

H. F. No. 54, "A bill for an act to authorize Silas Babcock to erect and keep a mill dam across Long Branch,"

Be taken up, read a third time and put upon its passage.

Lost.

Mr. Campbell of Otoe, moved that the bill be engrossed and read a third time on to-morrow.

Carried.

Mr. Nuckolls of Otoe, introduced

H. F. No. 85, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney."

Read the first time.

On motion of Mr. Nuckolls of Otoe,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Roads.

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Taken up.

Mr. Campbell of Otoe, moved that the further consideration of the bill be postponed until Wednesday, December 28th.

Mr. Bowen of Washington, moved that the bill be recommitted to the Committee on Boundaries and County Seats, with instructions to report on Thursday next, a general law giving to the people of each county the power to locate or relocate their county seat by a vote of a majority of the people of their respective counties, and that this bill be made the special order for Thursday next.

Withdrawn.

The question being to postpone until Wednesday next the 28th of December, it was

Lost.

Mr. Campbell of Otoe, moved that the bill be engrossed and read a third time on Wednesday next.

Lost.

Mr. Campbell of Otoe, moved that the bill be engrossed and read a third time on Thursday next.

Lost.

Mr. Collier of Burt, moved that the bill be engrossed and read a third time on to-morrow.

Lost.

Mr. Hanscom of Douglas, moved that the bill be engrossed and read a third time on Friday.

Carried.

Mr. Nuckolls of Richardson, introduced

H. F. No. 86, "A bill for an act to incorporate the town of Arago in Richardson county."

Read the first time by its title.

On motion of Mr. Keeling of Nemaha,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

H. F. No. 6, "A bill for an act to amend 'An act respecting jurors,' approved Nov. 2, 1858,"

Taken up.

On motion of Mr. Belden of Douglas,

The bill was recommitted to the Committee on Judiciary.

Mr. Johnson of Douglas, introduced

H. F. No. 87, "A bill for an act to amend an act entitled 'An act to amend an act entitled an act for locating, opening, repairing and changing county roads,' approved January 26th, 1856, approved October 29th, 1858."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Roads.

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru in Nemaha county,"

Taken up.

The first amendment proposed thereto by the Committee on Corpora-

tions, which was to strike out all after the word "granted" in the 22d line of section one, to the words "to use" in the 26th line of said section, was

Lost.

The second amendment proposed by the Committee on Corporations, which was to strike out section four entire, being under consideration, Mr. Campbell of Otoe, offered the following amendment to the amendment, and insert in lieu thereof as

"Sec. 4. The building or buildings occupied exclusively as the seminary; the library, apparatus and seminary grounds shall forever be free from taxation for any and all purposes whatsoever."

Mr. Nuckolls of Otoe, moved to lay the amendment and the amendment to the amendment on the table.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Baker, Bowen, Brodhead, Davis, Goshen, Kennedy, McCasland, Maxwell, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Stephenson, Stewart and Taffe.—15.

Nays—Messrs. Bain, Barnard, Bates, Belden, Burbank, Campbell, Collier, Hanscom, Hinsdale, Johnson, Keeling, Lake, Latta, Malcolm, Marquette, Myers, Noel, Reck, Reynolds, Shields and Tufts.—21.

So the motion to lay on the table was

Lost.

The amendment to the amendment was

Adopted.

The amendment as amended

Adopted.

Mr. Hanscom of Douglas, moved to amend by inserting the name of B. P. Rankin in lieu of — Smith as one of the incorporators.

Adopted.

Mr. Davis of Cass, moved that the bill be engrossed and read a third time on to-morrow.

Carried.

H. F. No. 58, "A bill for an act to organize the county of Kearney, and locate the county seat thereof,"

Taken up.

Read a third time.

Passed and bill agreed to.

Mr. Hinsdale of Dakota, moved to adjourn.

Lost.

The House now went into Committee of the Whole, having

H. F. No. 30, "A bill for an act for the relief of insolvent debtors," Under consideration.

Mr. Nuckolls of Otoe, in the chair.

The House having resumed business,

Mr. Nuckolls of Otoe, from the Committee of the Whole, reported that the committee had had

H. F. No. 30, "A bill for an act for the relief of insolvent debtors,"

Tuesday, December 20th, 1859.

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Under consideration and reported the same back to the House; with the recommendation that it be indefinitely postponed.

On motion of Mr. Tufts of L'eau-qui-Court,
The House adjourned at 2 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Tuesday, December 20th, 1859. }

The House met at the usual hour.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Arnott and Kennedy.

A quorum being present, the Journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Tuesday, December 20, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that
H. F. No. 12, "A bill for an act to redefine the southern boundaries of Platte and Dodge counties,"

Has passed the Council with the following amendment:

In section 1, after the word "river", insert "guide meridian."

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Barnard of Hall, introduced

H. F. No. 88, "A joint resolution and memorial relative to the withdrawal from reservation of certain reserved government lands."

Read the first time.

Mr. Barnard of Hall, moved that the rules be suspended and the bill by its title read a second and a third time and put upon its passage.

A division of the question being called for,

The question occurred on the motion to suspend the rules.

Carried.

Rules suspended.

Bill by its title read a second time.

Mr. Campbell of Otoe, moved that the bill be referred to the Committee on Federal Relations.

Lost.

The question then occurred on the motion to again suspend the rules.

Carried.

Rules suspended.

Bill by its title read a third time.

Passed, and title agreed to.

Mr. Rogers of Dodge, moved that when the House adjourn on Friday of this week it shall stand adjourned until the usual hour on Wednesday of next week.

Mr. Nuckolls of Otoe, moved to amend by inserting the second day of January.

Withdrawn.

Original motion withdrawn.

The following notices of bills were given:

By Mr. Marquette of Cass,
Of a bill to provide for the election of a public printer.

By Mr. Bowen of Washington,
Of a bill to redefine the western boundaries of Washington county.

By Mr. Reck of Platte,
Of a bill to fix the time of holding court at Columbus in Platte county.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following majority report:

Mr. Speaker:

A majority of your committee to which was referred

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company,"

Having had the same under consideration, report the same back to the House and recommend its passage.

A. J. HANSCOM,
BARNABAS BATES,
GEORGE CROWE.

Mr. Reck of Platte, from the Committee on Corporations, submitted the following minority report:

Mr. Speaker:

The minority of your Committee on Corporations, to which was referred C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company,"

Respectfully report: That "An act regulating ferries," was passed at the last session of the Legislative Assembly, by which the authority to grant licenses for the keeping of ferries is vested in the county commissioners of the various counties in this Territory, and that in their opinion the subject matter of this bill should be left to the consideration and decision of the county commissioners, as should all other bills of a kindred nature. The passage of such bills by this Assembly they regard as inappropriate and as interfering with the vested rights of the counties of this Territory. They therefore report adversely to this bill, and respectfully recommend that it be indefinitely postponed.

JOHN RECK.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code relative to the custody of convicts, and for other purposes,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment, and would most respectfully recommend its passage.

All of which is most respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
JAMES TUFTS,
W. H. BRODHEAD.

On motion,

The report was accepted and adopted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 81, "A bill for an act entitled 'Supplemental to an act to establish a code of civil procedure,'"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same do not pass.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
JAMES TUFTS,
W. H. BRODHEAD.

Accepted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 84, "A bill for an act entitled 'An act to amend an act respecting juries,'"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with one or two amendments therein appearing, with the recommendation that the same do pass.

All of which is most respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
JAMES TUFTS,
W. H. BRODHEAD.

Accepted.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Tuesday, December 20th, 1859.

Mr. Speaker:

Your committee to which was referred

H. F. No. 78, "A bill for an act to legalize the official acts of Abraham Towner,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment, and do most respectfully recommend its passage.

GEO. B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE,
JAMES TUFTS,
W. H. BRODHEAD.

Accepted.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 75, "A bill for an act to provide for the erection of a bridge across Blackbird creek,"

Have instructed me to report the bill back to the House, and recommend that it do not pass, as it would be a bad precedent to appropriate money for any such purpose.

JNO. C. CAMPBELL, Chairman.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska,"

Have had the same under consideration, and recommend that it be made the special order of the day for Wednesday next.

HARRISON JOHNSON, Chairman.

Mr. Nuckolls of Richardson, from a Special Committee, submitted the following majority report:

Mr. Speaker:

A majority of your committee to which was referred

H. F. No. 70, "A bill for an act to prevent free negroes or mulattoes from settling in this territory,"

Beg leave to report the same back to the House without amendment, and recommend its passage.

HOUSTON NUCKOLLS,
HARRISON JOHNSON.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

C. B. No. 18, "A bill for an act to incorporate the Pappillion mill company,"

Having had the same under consideration, report the same back to the House and recommend its passage.

Your committee also having under consideration

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam,"

Beg leave to report the same back to the House and recommend its passage.

Your committee also report back to the House,

H. F. No. 55, "A bill for an act to authorize Stephen Story, Jasper G. Lewis and Henry R. Price to keep a ferry on the Missouri river at St. Stephens."

And, also,

H. F. No. 45, "A bill for an act to authorize Thomas Patterson, W. H. Spratlen and J. E. Fleming to keep a ferry across the Missouri river at Rock Bluffs city."

Having had the same under consideration, recommend that the same do pass.

All of which is respectfully submitted.

A. J. HANSCOM, Chairman.

Mr. Burbank of Richardson, from the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 87, "A bill for an act to amend an act entitled 'An act to amend an act for locating, opening, changing and repairing county roads,' approved Jan. 26th, 1856, approved Oct. 29, 1858,"

Having had the same under consideration, respectfully recommend that it be indefinitely postponed.

J. E. BURBANK,

Chairman, pro tem.

Mr. Burbank of Richardson, from the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 74, "A bill for an act to locate a territorial road in the counties of Nemaha and Richardson,"

Have had the same under consideration, and respectfully recommend its passage.

J. E. BURBANK,

Chairman, pro tem.

Mr. Burbank of Richardson, from the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 85, "A bill for an act to locate a territorial road from Nebraska city to Fort Kearney,"

Have had the same under consideration, and would most respectfully report the same back to the House without recommendation.

J. E. BURBANK,
Chairman, pro tem.

Mr. Burbank of Richardson, from the Committee on Roads, submitted the following majority report:

Mr. Speaker.

A majority of your committee, to which was referred

H. F. No. 69, "A bill for an act for the better regulation of territorial roads,"

Have had the same under consideration, and respectfully recommend its passage.

J. E. BURBANK,
Chairman, pro tem.

Mr. Myers of Richardson, introduced

H. F. No. 89, "A bill for an act for the construction of Bridges."

Read the first time.

On motion of Mr. Campbell of Otoe,

The rules were suspended, the bill by its title read the second time and referred to the Committee on Ways and Means.

Mr. Adams of Otoe, introduced

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha.'"

Read the first time.

On motion of Mr. Davis of Cass,

The bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Bowen of Washington, introduced

H. F. No. 91, "A bill for an act to regulate the road fund of the respective counties, and to provide for the expense of laying out, opening and constructing roads."

Read the first time.

On motion of Mr. Bowen of Washington,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 51, "A bill for an act to provide for the vacation of the whole or a part of the town site of Fremont,"

Having had the same under consideration, have instructed me to report the same back to the House and recommend that it be indefinitely postponed.

A. J. HANSCOM, Chairman.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 49, "Relative to building a jail in Otoe county,"

Beg leave to report that they have had the same under consideration and that the bill should not pass for the following reasons:

First—Because the county commissioners, under an existing law, have the power to erect all the public buildings necessary for county purposes.

Second—Because the taxes in that county and all other counties are already so burdensome that the people are not able to pay the tax which this bill fixes upon them.

All of which is respectfully submitted.

JOHN C. CAMPBELL, Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to which was referred

H. F. No. 86, "A bill for an act to incorporate the city of Arago in Richardson county,"

Having had the same under consideration, have instructed me to report the same back to the House with the following amendments:

Amend section 9 by inserting after the word "enter," in the fourth line, the words "upon the duties of their;" also insert the word "the" in the fourth line, after the word "and," and before the word "alderman."

Amend section 11 by striking out the word "justice," in the sixth line, and insert in lieu thereof the words "justices of the peace."

Amend section 16 by striking out the words "between sunrise and sunset," and insert the words "nine o'clock A. M., and remain open until six o'clock P. M."

Amend section 24 by striking out the word "transcribe," and insert the word "order."

Amend section 46 by inserting the word "on," in the first line, after the word "shall."

And to recommend the passage of the bill so amended.

A. J. HANSCOM, Chairman.

Accepted.

Mr. Davis of Cass, chairman of Special Committee, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 79, "A bill for an act to dissolve the bonds of matrimony between Margaret Josephine Depuy and George Depuy,"

Have had the same under consideration, and ask leave to make the following report: That from the evidence given before your com-

mittee, the case seems to be an extraordinary one, and one which should require the deliberative action of this body. The evidence goes to show, that the said George Depuy never provided for the comfortable maintenance of his family; that he at various times has been taken up for stealing, and that he left his wife without the least provocation or cause, and that he, when last heard from, was in the penitentiary in the state of Missouri, and that at various times while living with his wife, threatened the life of her best friend without any cause; and that the evidence further shows, to the satisfaction of your committee, that the said Margaret Josephine Depuy, during the time of living with the said George Depuy, was possessed of a good moral character and an amiable disposition, and gave no cause for the course pursued by the said George Depuy.

Taking these things into consideration we, your committee, would most respectfully recommend the passage of the bill.

W. R. DAVIS,
SAMUEL MAXWELL,
W. H. BRODHEAD.

Accepted.

Mr. Bowen of Washington, introduced

H. F. No. 92, "A bill for an act to amend 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'"

Read the first time.

On motion of Mr. Bowen of Washington,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Agriculture.

Mr. Kennedy of Douglas, introduced

H. F. No. 93, "A bill for an act to incorporate a seminary to be located in the city of Florence, Douglas county, N. T."

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill read by its title a second time, and referred to the Committee on Corporations.

Mr. Campbell of Otoe, introduced

H. F. No. 94, "A bill for an act to establish the common school system in the Territory of Nebraska."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Public Schools.

H. F. No. 12, "A bill for an act to redefine the southern boundaries of Platte and Dodge counties,"

And the amendments proposed thereto by the Council,

Taken up.

The amendments concurred in.

Mr. Noel of Nemaha, chairman of the Committee on Engrossed and Enrolled bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report back to the House, bills Nos. 57, 67, 52, 19, 54, 37, 26, 15 and 7, as correctly engrossed.

JESSE NOEL, Chairman.

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam,"

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 18, "A bill for an act to incorporate the Pappillon mill company,"

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company,"

Taken up.

Mr. Collier of Burt, moved to amend section 6 by striking out the word "and" between "charge" and "receive," and insert the word "or," and by striking out the words "on conviction thereof" in the fifth and sixth lines, and by striking out the words "ten dollars," and inserting "twenty-five dollars."

Mr. Taffe of Dakota, moved to amend the amendment by striking out the words "twenty-five dollars," and inserting the words "fifty dollars."

Amendment to the amendment accepted.

Amendment as amended was

Adopted.

Mr. Rogers of Dodge, moved that the bill be engrossed and read a third time to-morrow.

It being a Council bill, the motion to engross was

Declared out of order.

Mr. Reck of Platte, moved to lay the bill on the table.

Lost.

Mr. Reck of Platte, moved to re-commit the bill to the committee.

Mr. Johnson of Douglas, moved to lay the motion to re-commit on the table.

Not entertained.

The question being on the original motion to re-commit, it was

Lost.

Mr. Collier of Burt, moved that the bill be now read a third time and put upon its passage.

Call of the House ordered.

Absent—Messrs. Arnott, and Nuckolls of Otoe.

All further proceedings under the call dispensed with.

Bill read a third time.

Passed and title agreed to.

Mr. Brodhead of Otoe, introduced

H. F. No. 95, "Joint resolution relative to the adjournment of the House for ten days."

Read the first time.

Mr. Tufts of L'eau-qui-Court, moved that the rules be suspended, the bill by its title read a second and third time and put upon its passage.

Lost.

On motion,

The rules were suspended, the bill by its title read a second time.

Mr. Belden of Douglas moved to amend so as to make it a resolution of the House, and to read "Friday of this week to Tuesday of next week."

Mr. Collier of Burt, moved to refer the whole matter to a special committee of three.

Carried.

The Speaker appointed Messrs. Collier, Belden and Brodhead such committee.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Davis of Cass, moved to take a recess until 2 o'clock P. M.

Lost.

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

Taken up.

Read a third time.

Passed and title agreed to.

H. F. No. 9, taken up

Read the third time.

Passed and title agreed to.

Mr. Hinsdale of Dakota, moved to adjourn.

Lost.

H. F. No. 26, "A bill for an act relating to questions reserved in the district courts,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Keeling of Nemaha, moved to adjourn.

Lost.

H. F. No. 7, "A bill for an act to authorize suits upon written instruments, to be brought in the name by which the same are executed."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

H. F. No. 17, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the territory of Nebraska,'"

Taken up, and

Made the special order for Wednesday.

H. F. No. — Taken up.

Mr. Campbell of Otoe, moved to indefinitely postpone.

Lost.

Mr. Hanscom of Douglas, moved to postpone until Friday next, and have one hundred copies printed.

Carried.

H. F. No. 52, "Joint resolution praying for the appropriation of \$50,000, to locate a territorial road from Nebraska city to New Fort Kearney."

Taken up.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a third time and put upon its passage.

Bill passed and title agreed to.

H. F. No. 54, "A bill for an act to authorize Silas Babcock to construct a mill dam across Long Branch."

Taken up.

Mr. Noel of Nemaha, moved to recommit the bill to the Committee on Agriculture.

Mr. Malcolm of Douglas, moved to adjourn.

Lost.

The question occurring on the motion to re-commit, the bill was

Lost.

Bill read a third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

H. F. No. 57, "A bill for an act to regulate the amount of taxes hereafter to be levied,"

Taken up.

On motion of Mr. Bowen of Washington,

Made the special order of the day for Wednesday.

Mr Tufts of L'eau-qui-Court, moved to adjourn.

Lost.

H. F. No. 10, "A bill for an act to prevent free negroes and mulattoes from settling in this Territory,"

Taken up.

At the request of Mr. Marquette of Cass,

Portponed in order to enable a minority report to be introduced.

Mr. Campbell of Otoe, moved to adjourn.

Lost.

On motion of Mr. Brodhead of Otoe,

The bills with reference to a state organization were made the special order of the day for to-morrow.

Mr. Taffe of Dakota, moved to adjourn.

Carried.

House adjourned at 2 o'clock, P. M.

Wednesday, December 21st, 1859.

HOUSE OF REPRESENTATIVES,

Wednesday, December 21st, 1859. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Collier, Keeling, Kennedy, Marquette and Taffe.

Mr. McCasland of Pawnee, asked leave of absence for Mr. Keeling of Nemaha, on account of illness.

Leave of absence granted.

A quorum being present,

The journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,

Wednesday, Dec. 21st, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that

H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude within this Territory,"

Has been indefinitely postponed by the Council.

I also return to your honorable body, a

"Joint resolution praying for an appropriation to complete the Capitol,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 96, "A bill for an act to organize certain counties, define the boundaries and locate the county seats of the same."

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 97, "A bill for an act to authorize Fellows D. Pease and Anthony Rapalee to establish and keep a ferry across the Missouri river in Nebraska Territory."

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Goshen of Johnson, introduced

H. F. No. 98, "A bill for an act to authorize J. B. Weston to erect a mill dam across Big Blue river."

Read the first time.

On motion of Mr. Goshen of Johnson,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 99, "A bill for an act to authorize Michael Jones and Daniel H. Collamer to keep and establish a ferry at St. Helena in Cedar county."

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Rogers of Dodge, on leave, introduced

H. F. No. 100, "A bill for an act to confer on the people of the various precincts in Dodge county the privilege of deciding whether stock shall be restrained from running at large therein."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Agriculture.

Mr. Rogers of Dodge, on leave, introduced

H. F. No. 101, "A bill for an act to provide for auditing the accounts of county commissioners."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended, the bill by its title read a second time.

Mr. Rogers of Dodge, moved that the bill be referred to a special committee of five.

Carried

The Speaker appointed Messrs. Goshen, Lake, Nuckolls of Otoe, Collier and Stewart, such committee.

Mr. Johnson of Douglas, offered the following:

Resolved, That when this House adjourns on Friday next, it will stand adjourned until the usual hour on Tuesday next, Dec. 28th.

Withdrawn.

Mr. Nuckolls of Otoe, offered the following:

Resolved, That the Committee on Public Grounds and Buildings be, and are hereby instructed to examine and report upon the title of the same as made from Omaha city to the Territory of Nebraska, and also to report upon the present condition of the same as compared with former years.

On motion of Mr. Hanscom of Douglas,

The resolution was adopted.

Mr. Bates of Dakota, from a special committee, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 36, "A bill for an act for the better protection of game in this Territory,"

Beg leave to report the same back to the House with the following amendments: Amend section 1, by inserting the word "woodcock" on the sixth line, after the word "grouse. Amend section 2, by striking out all after the word "shall" on the fourth line, and insert "commence on the first day of September and end on the last day of January of each year." Amend section 6, in the ninth line, after the words "shall be paid," by inserting "one moiety to the complainant and one moiety to the school fund commissioner."

With the above amendments your committee would recommend its passage.
BARNABAS BATES.

Adopted.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to which was referred

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha,'"

Having had the same under consideration, beg leave to report the same back to the House, and recommend its passage with the following amendment: By adding after the word "void," in the last line of section 8, the words "in the county where such vote shall have been had."

Your committee also, recommend the adoption of the following amendment to

H. F. No. 92, "A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'"

Insert after the word "penalty," the words "as prescribed in section 10 of said act," and as amended to recommend the passage of the bill.

HARRISON JOHNSON, Chairman.

Accepted.

Mr. Marquette of Cass, from a special committee, with reference to the bill to prevent free negroes or mulattoes from settling in this Territory, submitted the following minority report:

Mr. Speaker:

A minority of your committee to whom was referred

H. F. No. 70, "A bill for an act to prevent free negroes or mulattoes from settling within this Territory,"

Feel constrained to differ from a majority of your committee, and beg leave to submit the following report:

In opposing the passage of this bill, the undersigned does not wish to be understood as desiring to have negroes or mulattoes among us. It is not desirable to have them here either as freemen or slaves. It never was intended that we should live with them. He who created us and them, allotted different portions of this earth's surface to each. If

they are among us, however, by no voluntary immigration, by no act of their own, but by a violation of nature's law, which, as it made them a different race, also gave them a different place on the earth to live. They were brought here, so history says, by the tyranny of our British ancestors. Shall we drive them from us by tyranny? It is to be deplored that they are among us, and no one more ardently wishes, than the undersigned, that our community may be made up of free white men alone. But let us examine the practical bearing of this bill. It appears that there are a few negroes or mulattoes in this Territory. They are not to blame for being here. They had a right to come.

It is proposed by this act to drive them out of this Territory. Sir, this bill goes farther, and declares to those negroes, that, if they dare live here over sixty days they are criminals, guilty at least of a misdemeanor. And, sir, what is their crime? Is it a crime to breathe the air of heaven? Why not crown the climax of folly, and enact that it is a *crime* to be born a negro, and that they commit a *greater crime* in daring to live at all on God's broad and beautiful earth!

The undersigned of your committee oppose the passage of the law:

First. Because it is an absurdity on its face that will not be enforced, and will have no practical effect.

Second. It will do no good; it will remedy no evil; and there is nothing to indicate that we will be overrun with them; no sensible person in this territory apprehends any evil from this source. Why is this bill here, then? The answer is plain. *It is for political buncombe!*

Third. If it be an evil to have them among us, it is wrong to force them upon the people of other states or Territories of this Union. For, if you exclude them from this Territory, they will have to seek refuge in some other state or territory. Again, the same reason would exist for excluding the Pawnees and all other Indian tribes; all persons of a different race should be excluded, and by law made a crime or misdemeanor for them to live here.

The undersigned admits that it is a great evil to have negroes or mulattoes among us. If an evil, how shall we get rid of it? But two plans suggest themselves: The first is by the plan proposed by the bill, making it a misdemeanor for them to live here; that spirit which says to them, "we are many, you are few; we are strong, you are weak; we have the power, and we will use it." Sir, the same tyrannical spirit which brought the martyr to the stake; the same haughty spirit with which the Czar of Russia speaks from his throne to his subjects, and says, "mine is the power, you must obey." And no doubt the mover of this bill thinks it a kingly idea to drive from our midst a few poor negroes.

Certainly the mover of this bill under consideration, can claim no credit for originality, for the whole bill was taken from the slave-drivers' bill, introduced in the legislature of some of the slave-holding states; and even in those states the better portion of the inhabitants regarded the proposition as alike inhuman, cruel and tyrannical; so the civilized world would regard us as semi-barbarous and savage, were we to pass this bill in this the high noon of the nineteenth century.

Gentlemen can not be in earnest in passing a bill which subjects a

colored person to fine and imprisonment merely because they are so unfortunate as to be a negro, and on Nebraska soil. To pass this bill would be to pander to the vitiated prejudices of those whose highest and holiest ambition is to perpetuate slavery, hence they have commenced the persecution of a few negroes for the sole purpose of driving them into bondage. We see, here, when a proposition is made to make the soil of Nebraska free, it is followed by one to persecute the few negroes that may be so unfortunate as to be here. It is our policy to steer clear of the negro worshiper, the negro enslaver, and the negro persecutor. There is another and a better way to get rid of this evil; one more in accordance with the impulses of this enlightened age; and that is to colonize them to Africa, or some other southern clime, to extend to them the hand of philanthropy rather than that of tyranny.

Therefore, the undersigned would recommend that this bill and the whole subject matter be referred to the Committee on Federal Relations, with instructions to enquire into the expediency of memorializing Congress to adopt some plan by which all the free negroes in the United States, and more especially those of our own Territory, may be colonized in Africa or some other southern clime.

All of which is respectfully submitted.

T. M. MARQUETTE.

Mr. Davis of Cass, from the special committee, submitted the following majority report:

Mr. Speaker:

A majority of your special committee, to whom was referred the petition of the citizens of Cass county in regard to the location of the county seat, have had the same under consideration and ask leave to make the following report:

Taking into consideration the fact that the county seat of Cass county was located by the Legislature before the county was settled to any extent, and that the committee to whom the bill to locate the same was referred were wrongly informed as to its location, it being located within one and a half miles of the northeast corner of the county, and that the county is now settled to a considerable extent along the Weeping Water and its tributaries on the south side of the county for a distance of twenty-five miles from the Missouri river, and along the Platte river and its tributaries for a distance of thirty miles from the Missouri river, and large settlements at the Eight Mile Grove, and on Cedar creek, near the centre of the county. And taking into consideration the fact that the people are very much dissatisfied with the present law governing county seats, from the fact that it requires a two-third vote to remove a county seat, and knowing as we do that the county seat has been an issue in Cass county; and has either directly or indirectly governed the election of members to the Legislature for the past three years; and believing as we do that the people have the right to regulate their own municipal matters, and that if a majority of the people of Cass county desire to remove their county seat, they ought to have the right to do so; and believing that they (the people) are the only tribu-

nal competent to judge of the proper place for holding their courts and transacting their county business.

Taking these things into consideration, we most respectfully recommend the passage of the accompanying bill.

W. R. DAVIS,
W. S. LATTI,
J. N. STEPHENSON.

Accepted.

Mr. Marquette of Cass, asked and obtained leave to submit a minority report on to-morrow.

With the majority report of the committee given above, came

H. F. No. 102, "A bill for an act to locate the county seat of Cass county by a vote of the people."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Boundaries and County Seats.

Mr. Campbell of Otoe, moved that the committee be instructed to report a general law allowing the location of county seats by a majority vote.

Withdrawn.

On motion of Mr. Marquette of Cass,

The petitions from the citizens of Cass county relative to the county seat, were referred to the Committee on Boundaries and County seats.

Mr. Collier of Burt, from the special committee to which was referred the joint resolution relative to adjournment, submitted the following majority report:

Mr. Speaker:

A majority of your committee to whom was referred

H. F. No. 95, "Joint resolution relative to adjournment during the holidays,"

And a resolution offered as an amendment thereto,

Respectfully report the same back to the House, and recommend that the joint resolution and amendment be indefinitely postponed, and that the House adopt the following resolution relative to adjournment:

Resolved, That when the House adjourn on Friday the 23d inst., it will stand adjourned until Tuesday the 27th inst., at 10 o'clock A. M.

All of which is respectfully submitted.

D. L. COLLIER,
D. D. BELDEN.

Mr. Brodhead of Otoe, a minority of the same committee, recommended the adoption of the following resolution in lieu of the joint resolution and the amendment thereto:

Resolved, That when the House adjourns on to-day, it will stand adjourned until Tuesday the 27th inst.

Mr. Hanscom of Douglas moved to amend the resolution submitted by the majority of the committee, by inserting "3 o'clock P. M.," in lieu of 10 o'clock A. M.

Amendment accepted.

Mr. Noel of Nemaha, from the Committee on Enrolled and Engrossed Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report House Files Nos. 20, 53 and 1 as correctly engrossed.

JESSE NOEL, Chairman.

Resolution reported by the majority of the committee as amended, was
Adopted.

H. F. No. 14, "A bill for an act to locate a territorial road in the counties of Nemaha and Richardson,"

Taken up.

Read a third time by its title.

Passed and bill agreed to.

H. F. No. 70, "A bill for an act to prevent free negroes or mulattoes from settling within this Territory,"

Taken up.

Mr. Hanscom of Douglas, offered the following amendment:

Insert after the word "Territory," in the sixth line, the words "and that slavery or involuntary servitude, except for the punishment of crimes, be, and the same is hereby forever prohibited in this Territory."

Mr. Tufts of L'eau-qui-Court, moved to lay the amendment on the table.

Call of the house ordered.

Mr. Keeling of Nemaha, absent.

All further proceedings under the call,

On motion,

Dispensed with.

The question occurring on the motion to lay the amendment on the table,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Collier, Crowe, Goshen, Hinsdale, Johnson, Kennedy, Malcolm, Noel, Nuckolls of Richardson, Reynolds and Tufts.—17.

Nays—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Rogers, Reck, Shields, Stephenson, Stewart, and Taffe—20.

So the motion to lay the amendment on the table, was

Lost.

Mr. Tufts of L'eau-qui-Court, moved that the bill be indefinitely postponed.

Declared out of order.

The question occurring on the adoption of the amendment,

The ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Collier, Davis,

Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Rogers, Reck, Stephenson, Stewart and Taffe.—20.

Nays—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hinsdale, Johnson, Kennedy, Malcolm, Noel, Nuckolls of Richardson, Reynolds, Shields and Tufts.—17.

So the amendment to the bill was
Adopted.

Mr. Hanscom of Douglas, moved that the bill be engrossed and read a third time on to-morrow.

Mr. Davis of Cass, moved to amend by striking out section three.

Whereupon the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Bain, Baker, Bowen, Burbank, Collier, Crowe, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Nuckolls of Otoe, Rogers, Stephenson, Taffe and Mr. Speaker.—19.

Nays—Messrs. Arnott, Barnard, Bates, Belden, Brodhead, Campbell, Goshen, Hinsdale, Johnson, Kennedy, Malcolm, Myers, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tufts.—18.

So the amendment to strike out section three was
Adopted.

Mr. Belden of Douglas moved the indefinite postponement of the whole subject matter.

Mr. Marquette of Cass, moved to amend by striking out section two.

Mr. Reck of Platte, moved to strike out the enacting clause.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Bates, Belden, Bowen, Brodhead, Collier, Crowe, Goshen, Hinsdale, Johnson, Kennedy, Lake, Malcolm, Marquette, Nuckolls of Richardson, Rogers, Reck, Taffe and Tufts.—21.

Nays—Messrs. Bain, Baker, Burbank, Campbell, Davis, Hanscom, Latta, McCasland, Maxwell, Myers, Nuckolls of Otoe, Reynolds, Shields, Stephenson and Stewart.—15.

So the enacting clause was stricken out.

Mr. Nuckolls of Richardson, introduced

H. F. No. 103, "A bill for an act to establish a ferry across the South Platte river at St. Vrain, in St. Vrain county, N. T.

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

H. F. No. 15, "A bill for an act to provide for the erection of a bridge across Black Bird creek."

Taken up.

Wednesday, December 21st, 1859.

Mr. Johnson of Douglas moved to amend by inserting "five hundred" in place of "one thousand" dollars.

Pending which the following message was received from the Council:

COUNCIL CHAMBER,
December 21st, 1859. }

Mr. Speaker:

I am instructed by the Council to recover the possession of H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude within this territory,"

For the purpose of a reconsideration of the vote by which that bill was indefinitely postponed. S. M. CURRAN, Chief Clerk.

The bill delivered according to the request of the message.

Mr. Hanscom of Douglas, moved that Capt. Wm. E. Moore, U. S. Indian agent for the Omaha Indians, now within the bar of this House, be requested to make a verbal statement of the facts connected with the bill under consideration.

Carried.

After which Mr. Moore made the statement contemplated in the motion.

Mr. Taffe of Dakota, moved to amend by inserting "United States Indian agent for the Omaha Indians," in lieu of "Governor of this territory."

Amendment adopted.

The question being on the adoption of the amendment to strike out "one thousand" and insert "five hundred," it was

Lost.

Call of the House ordered.

Mr. Nuckolls of Otoe, absent.

Sergeant-at-arms despatched after Mr. Nuckolls.

Mr. Belden of Douglas, moved that all further proceedings under the call be dispensed with.

Lost.

Mr. Nuckolls of Otoe, having appeared within the bar,

On motion of Mr. Rogers of Dodge,

All further proceedings under the call were dispensed with.

Mr. Campbell of Otoe, moved to indefinitely postpone the further consideration of the bill, whereupon the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Arnott, Campbell, Crowe, Davis, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Reck, Reynolds and Stephenson.—14.

Nays.—Messrs. Baker, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Collier, Goshen, Hanscom, Hinsdale, Johnson, Kennedy, Lake, Malcolm, Noel, Rogers, Shields, Stewart, Taffe and Tuft.—21.

So the motion to indefinitely postpone was

Lost.

Mr. Reynolds of Otoe, offered to amend by appropriating one thousand dollars to bridge Salt creek.

Declared to be a rider and out of order.

Mr. Taffe of Dakota, moved that the bill be now read a third time and placed upon its passage.

Carried.

Bill by its title read a third time.

And the question then being on its passage, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Collier, Goshen, Hanscom, Hinsdale, Johnson, Kennedy, Lake, Malcolm, Rogers, Shields, Stewart, Taffe and Tufts.—19.

Nays—Messrs. Adams, Arnott, Campbell, Crowe, Davis, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Reck, Reynolds and Stephenson.—15.

So the bill was

Passed.

The title was then agreed to.

H. F. No. 53, "A bill for an act to extend the jurisdiction of the district and probate courts,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Hanscom of Douglas moved to take a recess until 2½ o'clock P. M.

Carried.

House took a recess at one o'clock P. M.

Afternoon Session—2½ o'clock P. M.

House met pursuant to adjournment.

The Speaker in the chair.

And being called to order, resumed business.

H. F. No. 37, "A bill for an act to regulate the toll of Millers,"

Taken up.

Mr. Tufts of L'eau-qui-Court, moved that the further consideration of the bill be indefinitely postponed.*

Lost.

Mr. Tufts of L'eau-qui-Court, moved that the bill be recommitted, with instructions to the committee to so amend the bill as to require millers to post their rates of toll in some conspicuous place in the mill, and affixing a penalty for the departure therefrom.

Mr. Campbell of Otoe, moved that the bill be indefinitely postponed.

The question being on the motion to recommit with instructions, it was

Lost.

Mr. Hanscom of Douglas, moved to strike out the enacting clause.

Mr. Johnson of Douglas, moved to lay the motion to strike out on the table.

Lost.

Motion to strike out,

Carried.

And so the enacting clause was stricken from the bill.

H. F. No. 55, "A bill for act to authorize Stephen Story, Jasper G. Lewis and H. R. Price to keep a ferry across the Missouri river at St. Stephens,"

Taken up.

Read a third time.

Passed and title agreed to.

H. F. No. 1, substitute, "A bill for an act to provide for the transportation of convicts, and other purposes,"

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 1, "A bill for an act to provide for the execution of sentences upon convicts, and their transportation to the penitentiary of a state,"

Taken up.

On motion of Mr. Campbell of Otoe,

The bill was indefinitely postponed.

H. F. No. 36, "A bill for an act for the protection of game in Nebraska,"

Taken up.

Mr. Collier of Burt, moved that the amendments proposed by the committee be adopted.

Carried.

Mr. Collier of Burt, moved that the bill be engrossed and read a third time on to-morrow.

Mr. Noel of Nemaha, moved the indefinite postponement of the bill.

Mr. Campbell of Otoe, moved to amend by creating a penalty for hunting on enclosed lands without permission.

Lost.

Mr. Hanscom of Douglas, moved to amend the enacting clause so as to make it read Territory of Nebraska.

Carried.

The question occurring on the motion to engross and read a third time on to-morrow, it was

Carried.

Mr. Nuckolls of Richardson, on leave, introduced

H. F. No. 104, "A bill for an act to establish a toll bridge across the St. Vrain Fork river near St. Vrain in St. Vrain county, Nebraska."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Stephenson of Cass, introduced

H. F. No. 105, "A bill for an act to incorporate the city of Liberty in Cass county, Nebraska."

Read the first time.

On motion of Mr. Marquette of Cass,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

H. F. No. 63, "A bill for an act to regulate line fences and define what constitutes a lawful fence,"

Taken up.

The amendments proposed thereto by the committee

Adopted.

On motion of Mr. Rogers of Dodge,

The bill was ordered engrossed, and read a third time on to-morrow.

H. F. No. 79, "A bill for an act to dissolve the bonds of matrimony between Margaret Josephine Depuy and George Depuy,"

Taken up.

Mr. Lake of Douglas, moved to recommit the bill, with instructions to the committee to report the testimony before them to the House, and to postpone the further consideration of the bill for one week.

Lost.

Mr. Hanscom of Douglas, moved that the further consideration of the bill be indefinitely postponed.

Lost.

The bill was read a third time.

Passed, and title agreed to.

H. F. No. 30, "A bill for an act for the relief of insolvent debtors,"

Taken up.

Mr. Hanscom of Douglas, moved to postpone the further consideration of the bill until two weeks from to-day—to Jan. 4th, 1860.

Mr. Johnson of Douglas, moved to lay that motion on the table.

Mr. Belden of Douglas, moved to postpone indefinitely.

The question occurring on the motion to postpone to a day certain, the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Bain, Baker, Barnard, Burbank, Campbell, Hanscom, Lake, Marquette, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stephenson, Taffe and Tufts.—18.

Nays—Messrs. Adams, Bates, Belden, Bowen, Brodhead, Collier, Crowe, Davis, Goshen, Hinsdale, Johnson, Latta, McCasland, Myers, Reck and Stewart.—16.

So the further consideration of the bill was postponed until January 4th, 1860.

The following report was received from the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report that they have this day presented to the Governor for his approval,

"An act to re-define the southern boundaries of Platte and Dodge counties."

"An act to legalize the acts of William Pilgrim, late register of deeds in and for Dakota county."

"An act to erect a mill dam across the north fork of the Grand Nemaha river."

"An act to legalize the first organization of Gage county, the location of the county seat thereof at Beatrice, and the official acts of the officers of the county."

"An act to legalize the collection of taxes in Dakota county for the year 1859."

"An act to authorize the treasurer of Johnson county to collect the taxes of said county."

"A memorial and joint resolution relative to school lands in Richardson county."

And also,

"A joint memorial and resolution."

JESSE NOEL, Chairman.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
December 21st, 1859. }

To the House of Representatives:

Mr. Speaker:

I am instructed to inform your honorable body that the following named acts have received the signature of the Executive:

H. F. No. 11, "An act to legalize the acts of William Pilgrim, late register of deeds in and for Dakota county."

H. F. No. 2, "An act authorizing the treasurer of Johnson county to collect the taxes of said county."

And also

H. F. No. 24, "An act to legalize the collection of taxes in Dakota county, for the year 1859."

JOHN MCCONNIE,
Private Secretary.

Mr. Campbell of Otoe, moved to adjourn.

Lost.

H. F. No. 20, "A bill for an act to incorporate a Seminary at Peru."

Taken up.

Bill by its title read a third time.

Passed and title agreed to.

Mr. Taffe of Dakota, moved to adjourn.

Carried.

House adjourned at 5½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Thursday, December 22d, 1859. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Bates, Hinsdale, Kennedy and Lake.

A quorum being present, the Journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
December 22, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed:

C. B. No. 40, "A bill for an act to incorporate the Brownville hydraulic, gas light and coke company."

Also,

C. B. No. 32, "A bill for an act to organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof."

And the concurrence of the House is respectfully requested therein.

I am also instructed to inform your honorable body, that

H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude within this Territory,"

Has been again indefinitely postponed by the Council.

S. M. CURRAN, Chief Clerk.

Mr. Goshen of Johnson, on leave, introduced

H. F. No. 106, "A bill to erect a bridge across Salt creek."

Read the first time.

On motion of Mr. Goshen,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Ways and Means.

Mr. Reynolds of Otoe, on leave, introduced

H. F. No. 107, "A bill for an act to exempt property from execution and attachment."

Read the first time.

On motion of Mr. Reynolds,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Judiciary.

Mr. Brodhead of Otoe, introduced

H. F. No. 108, "A bill for an act to fix the time for holding the district courts in the counties composing the second judicial district."

Read the first time.

On motion of Mr. Brodhead,
The rules were suspended, and the bill by its title read the second and third time.

Passed and title agreed to.

Mr. Johnson of Douglas, gave notice
Of a bill to exempt certain property from forced sale under execution.
C. B. No. 40, "A bill for an act to incorporate the Brownville hydraulic gas light and coke company,"

Taken up, and

Read the first time.

On motion of Mr. Noel,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 32, "A bill for an act to organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof,"

Taken up.

Read the first time.

On motion of Mr. Tufts,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Boundaries and County Seats.

H. F. No. 65, "A bill for an act to amend 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'"

Taken up.

Mr. Lake moved that the bill be recommitted to the Committee on Agriculture.

Carried.

H. F. No. 44, "A bill for an act to provide for collecting and arranging the laws of Nebraska,"

Taken up.

Hr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Mr. Marquette of Cass, moved to postpone until Wednesday next, and that it be made the special order of the day.

Motion to indefinitely postpone was

Withdrawn.

Question occurring on the motion to postpone until Wednesday next,
Carried.

Mr. Hanscom of Douglas, moved that a special committee of three be appointed to wait on Secretary, and ascertain whether he will pay for the publication of the laws as contemplated in the bill.

Carried.

Speaker appointed Messrs. Hanscom, Maxwell and Nuckolls of Richardson, such committee.

Mr. Noel, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, beg leave to re-

port: That we have on this day presented to the Governor, for his approval.

"Joint resolution and memorial praying for an appropriation to complete the Capitol."

J. NOEL, Chairman.

Mr. Rogers of Dodge, moved that a special committee of seven be appointed to examine the laws of the first, second and third sessions of the Legislative Assembly, and report to this House what general laws passed at those sessions are now in force.

Mr. Nuckolls of Otoe, moved to amend the motion by having the gentleman from Dodge appointed a committee of one, to examine the laws as contemplated in the motion of Mr. Rogers.

Lost.

The original motion was

Lost.

H. F. No. 78, "A bill for an act legalizing the acts of Abraham Towner."

Taken up.

Mr. Davis of Cass, moved that the bill be re-committed to the same committee.

Withdrawn.

The bill was then read the third time.

Passed and title agreed to.

H. F. No. 92, "A bill for an act to amend 'An act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska.'"

Taken up.

Mr. Burbank of Richardson, moved to amend by striking out "twenty-five dollars" and inserting "ten dollars."

Adopted.

Mr. Marquette of Cass, moved that the bill be re-committed to the Committee on Agriculture.

Carried.

H. F. No. 81, "A bill for an act to repeal an act entitled 'An act supplemental to an act to establish a Code of Civil Procedure.'"

Taken up.

Mr. Lake of Douglas, moved that the bill be indefinitely postponed.

Carried.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Taffe of Dakota, moved that the House take a recess till 2 o'clock.

Mr. Reynolds of Otoe, moved to amend by adding that the bill on state organization be then taken up.

Not entertained.

Question occurring on the motion to take a recess it was

Lost.

Mr. Campbell of Otoe, then moved to take up

H. F. No. 3, "A bill relating to state organization."

Lost.

Thursday, December 22d, 1859.

H. F. No. 51, "A bill for an act to provide for the vacation of the whole or a part of the plat of the town of Fremont."

Taken up.

Mr. Hanscom of Douglas moved that the bill be indefinitely postponed.

Lost.

Mr. Hanscom then moved that the bill be indefinitely postponed until the first day of February next.

Mr. Johnson of Douglas, moved that the bill be engrossed and read a third time one week from to-morrow.

Question occurring on the motion to postpone until February next it was

Lost.

The following message was received from the Governor by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, Dec. 22, 1859. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills, viz:

"An act to erect a mill dam across the north fork of Grand Nemaha river, in Johnson county, Nebraska Territory."

"A joint resolution and memorial praying for an appropriation to complete the capitol building."

"An act to re-define the southern boundaries of Platte and Dodge counties."

"A joint memorial and resolution to the honorable Secretary of the Interior."

"A memorial and joint resolution relative to school lands on the Indian reservation in Richardson county."

JOHN MCCONNIE,
Private Secretary.

Mr. Collier of Burt, moved to amend the motion made by Mr. Johnson by inserting "Tuesday next," instead of "one week from to-morrow."

Amendment accepted,

And the motion as amended,

Carried.

H. F. No. 86, "A bill for an act to incorporate the city of Arago, in Richardson county,"

With the several amendments thereto proposed by the committee.

Taken up and the amendment

Adopted.

On motion of Mr. Johnson of Douglas,

The bill was ordered engrossed.

On motion of Mr. Lake of Douglas,

The House resolved itself into a Committee of the Whole to take up the subject matter of state organization, having under consideration,

H. F. No. 3 and C. B. No. 5.

Mr. Bowen of Washington in the chair.

The House having resumed business,

Mr. Bowen of Washington, chairman of the Committee of the Whole, made the following report:

Mr. Speaker:

The Committee of the Whole House, to which was referred

H. F. No. 3, "An act to frame a constitution and state government for the state of Nebraska,"

Also,

C. B. No. 5;

Also,

A substitute to H. F. No. 3;

Having had the several bills under consideration, have instructed me to report that the following amendments have been adopted by the committee, to the substitute for H. F. No. 3; and also, to ask leave to sit again:

In the 4th section, 9th line, after the word "Cass," insert the words "Clay, Saline and Lancaster." In the 4th section, 25th line, after the word "Hall," insert the words "and Buffalo." In the 4th section, 27th line, after the word "Butler," insert the words "and Kearney." In the 4th section, 28th line, strike out the word "one," and insert the word "two." In the 4th section, 33d and 34th lines, strike out the clause. In the 5th section, 3d line, fill the blank by inserting the words "Nebraska city." In the 8th section, 2d and 3d lines, strike out the words "be at the time of the election a resident," and insert the words "possess the qualifications of voters prescribed by the laws of this Territory." In the 8th section, 4th line, strike out the words "six months," and insert the words "forty days."

JOHN S. BOWEN, Chairman,

Leave of absence was granted to the following named members for to-morrow:

Messrs. Nuckolls of Otoe, Nuckolls of Richardson, Stephenson, Davis, Malcolm, Campbell, Bain, Maxwell and Reynolds.

Mr. Nuckolls of Richardson, from special committee, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred the

Resolution relative to the title to the public grounds, and the present condition of the public buildings,

Have had the same under advisement, and beg leave to submit the following report:

Regarding the title to the public grounds, it appears by an examination of the records of the United States land office at Omaha, and of the county of Douglas, that a portion of the city of Omaha, including Capitol square, a tract of ten acres, was entered at the land office by the corporate authorities of said city, under and in pursuance of the

municipal pre-emption law of the United States, approved May 23d, 1849, and that George Armstrong, mayor of said city, conveyed the said tract to the Territory of Nebraska, by deed dated November 3d, 1858, and acknowledged and recorded in the register's office of Douglas county, on the 24th of December following; that no liens or charges existed on said lands or the buildings erected thereon, at the time of the record of said deed, and that the Territory now holds a good and unincumbered title to said lands and buildings.

Apprehensions have heretofore existed as to the validity of the title of the Territory to these lands, but no cause for such apprehensions now exist.

Your committee has made a thorough examination of the public buildings, and find them in the best possible condition, considering the unfinished state of the capitol.

It may at this time be cause for regret, that the original design of the capitol was so extravagant, while the accommodations of the building were not perhaps more than sufficient to answer the demand of the government. Yet the style of the architecture employed, and the elaborate ornamentation lavished upon the building was, in the opinion of your committee, unsuitable and unseasonable. But the question is not now with the past, but with the present and the future. We may regret, but we must endeavor to mend mistakes and errors.

Your committee, upon examination, have found the first floor of the building, with the exception of one small room, designed originally for a committee room, finished and in good order. The second story remains in an unfinished state. In this story are the apartments designed for the hall of the Representatives and the Council chamber. They are, as they ought to be, spacious rooms, and when completed will afford abundant accommodation, not only for the two Houses, but for the public, who have a right to see and to know the acts of their officers when engaged in their service.

The several colonnades on the four sides of the building are in a very dangerous condition, liable at any time to crumble and fall, and cause serious damage thereby. The roof, which is of tin, is now in good condition.

The Territory is indebted to the exertions of Secretary Morton, for the preservation and for the improvements which have been made upon the capitol and grounds. Much care has been taken to save the building from the decay to which it was rapidly going, by reason of the defective construction of the roof and several other parts of it. Constant repairs have been made during the year, arresting the damages already commenced, and preventing further injury. Two of the rooms have been finished and fitted up, one for the library, and one for the use of the supreme court.

The apartments now occupied by your honorable body and the Council have been refurnished in a manner as convenient as their limited style would permit. Out buildings necessary to the convenient use of the capitol have been erected, and the whole square enclosed by a substantial fence.

It has been heretofore charged that the officials of the Territory, en-

grossed in their own party schemes, have neglected the care of the public property and the public interests. Surely such charges can not be laid at the door of Mr. Morton, for efficiency, foresight and attention on his part, have, in the care of the public buildings, saved to the Territory and the general government this large property, which otherwise would have been nearly lost.

But while such an evil has thus, in a manner at least, been averted, your committee feel bound to urge upon the proper authorities an expenditure sufficient to put the building permanently in good order. The errors which have been committed, were those of a former agent of the United States, and the Territory should not be left to suffer from them. It will require but the decay and waste of a few years to render the capitol almost useless, so that the expenditures already made will be lost beyond recovery. A comparatively small sum now judiciously expended, will preserve to the people of the Territory, a capitol which will, both in point of elegance and convenience, answer its requirements for years, and as well also, a property which, if a future state shall deem it advisable to dispose of it, will furnish a handsome sum, out of which other sufficient and necessary public buildings may be erected.

All of which is respectfully submitted.

D. D. BELDEN,
HOUSTON NUCKOLLS,
M. J. SHIELDS,
J. S. STEWART.

Mr. Hanscom of Douglas, moved that 500 copies of the report be printed.

Carried.

Mr. Noel of Nemaha, introduced

H. F. No. 109, "A bill for an act to authorize Alexander Hallem to erect and keep a mill dam across Rock creek."

Read the first time.

On motion of Mr. Noel,

The rules were suspended, and the bill by its title read a second time and referred to the members from Nemaha county.

On motion of Mr. Hanscom,

The House adjourned at 4½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Friday, December 23d, 1859. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Arnott, Bates, Hinsdale, Kennedy and Lake.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Friday, December 23d, 1859.

Leave of absence was granted to Messrs. Brodhead, Crowe, Noel and Tufts.

A quorum being present,

The journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Dec. 23d, 1859. }

Mr. Speaker:

I have to inform your honorable body that the Council have passed the following bills, and respectfully request the concurrence of the House therein:

C. B. No. 29, "An act to incorporate the South pass bridge company;"

C. B. No. 43, "A bill for an act to restrain sheep and swine from running at large in the county of Pawnee;"

C. B. No. 25, "An act to incorporate the Platte city bridge company;"

C. B. No. 39, "Joint resolution for the relief of George A. Graves."

I also return to your honorable body:

H. F. No. 52, "Memorial and joint resolution praying for an appropriation of \$50,000 to construct a military road from Nebraska city to New Fort Kearney;"

Also,

"A joint resolution and memorial to Congress praying for an appropriation to bridge the Loup fork of the Platte river;"

Also,

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties."

Also,

H. F. No. 10, "A bill for an act entitled "An act to locate a territorial road from Decatur to Columbus."

Also,

H. F. No. 64, "A bill for a territorial road from Warrall's Bridge in Nemaha county, to Pawnee city."

Also,

H. F. No. 80, "An act to legalize the election and qualification of the town officers of the town of Columbus in Platte county."

Also,

H. F. No. 43, "An act to locate a territorial road from Nebraska city via. Helena and Vesta in Johnson county to Beatrice in Gage county."

Also,

- H. F. No. 28, "An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

The same having passed the Council without amendment.

I have also to inform your honorable body that

H. F. No. 79, "A bill for an act to dissolve the bonds of matrimony between Margaret Josephine Depuy and George Depuy,"

Has been indefinitely postponed by the Council.

S. M. CURRAN, Chief Clerk.

Mr. Hanscom of Douglas moved that the House now adjourn.

Carried.

House adjourned at 10½ o'clock A. M., until 3 o'clock, P. M., Tuesday next.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 27th, 1859. }

The House met at 3 o'clock, pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Bates, Brodhead, Campbell, Crowe, Davis, Hinsdale, Lake, Malcolm, Marquette, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Stephenson and Tufts.

Mr. Taffe of Dakota, asked leave of absence for Mr. Hinsdale.

Leave granted.

Mr. Keeling of Nemaha, moved that leave of absence be granted to all the absentees for to-day.

Carried.

A quorum being present, the Journal of Friday was read, amended and approved.

Mr. Reck of Platte, moved to adjourn.

Lost.

Mr. Collier of Burt, on leave introduced

H. F. No. 110, "An act to prevent the overdrawng of public funds in counties.

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended and the bill by its title read a second time, and referred to a special committee of five, consisting of

Messrs. Goshen, Lake, Nuckolls of Otoe, Collier and Stewart,

To which was referred

H. F. No. 47, and H. F. No. 101.

Mr. Taffe of Dakota, on leave introduced

H. F. No. 111, "An act to incorporate the Dixon town and ferry company."

Read the first time.

On motion of Mr. Taffe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 29, "An act to incorporate the South Pass bridge and ferry company."

Read the first time,

On motion of Mr. Lake of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 25, "An act to incorporate the Platte city bridge and ferry company,"

Was taken up.

Read the first time.

On motion of Mr. Lake of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 39, "Joint resolution for the relief of George A. Graves,"

Was taken up.

Read the first time.

And,

On motion of Mr. Reck,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Accounts and Expenditures.

C. B. No. 43, "An act to restrain sheep and swine from running at large in Pawnee county,"

Was taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Reck of Platte moved to adjourn.

Carried.

House adjourned at 3½ o'clock, P. M.

HOUSE OF REPRESENTATIVES,

Wednesday, December 28th, 1859. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Collier, Crowe, Hinsdale, Lake, Marquette, Myers, Noel, Nuckolls of Richardson, Rogers.

Mr. Brodhead of Otoe, moved that leave of absence be granted to Messrs. Hinsdale, and Nuckolls of Richardson.

Granted.

Mr. Keeling of Nemaha, moved that leave of absence be granted to Messrs. Noel and Crowe.

Granted.

A quorum being present,

The journal of yesterday's session read and approved.

Mr. Keeling of Nemaha, presented a petition of the citizens of Nemaha county, praying for an act to locate a territorial road, &c.

On motion of Mr. Keeling,

The petition was read and referred to the Committee on Roads.

Mr. Belden of Douglas, introduced

H. F. No. 112, "A bill for an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Read the first time.

On motion of Mr. Belden,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Baker of Nemaha, introduced

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company."

Read the first time.

On motion of Mr. Baker,

The rules were suspended and the bill by its title read a second time and referred to a special committee of five.

Messrs. Baker, Nuckolls of Otoe, Adams, Bain and Keeling appointed such committee.

Mr. Davis of Cass, moved that 500 copies of H. F. No. 112, be printed.
Carried.

Mr. Campbell of Otoe, introduced

H. F. No. 114, "A bill for an act for the construction of bridges."

Read the first time.

On motion of Mr. Campbell,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Marquette of Cass, introduced

H. F. No. 115, "A bill for an act to provide for the appointment of a clerk for each county wherein courts are held."

Read the first time, and

On motion of Mr. Marquette,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Barnard of Hall, presented a petition of the residents of Monroe and Platte counties, asking for an act uniting the two counties of Platte and Monroe under one jurisdiction, and give to the county thus created the name of Platte, and that the county seat be located and remain at the town of Columbus, now the county seat of Platte county.

Which was read, and

On motion of Mr. Barnard,

Referred to the Committee on Boundaries and County Seats.

Mr. Baker of Nemaha, introduced

H. F. No. 116, "A bill for an act authorizing Wm. S. Horn to keep a ferry across the Missouri river at Peru, Nemaha county."

Read the first time, and

On motion of Mr. Baker,

The rules were suspended, the bill read by its title the second time, and referred to the Committee on Corporations.

The following notices of bills were given:

By Mr. Adams of Otoe,

Of a bill for the chartering of a ferry across the Missouri river at Otoe city, Otoe county, N. T.

By Mr. Johnson of Douglas,

Of a bill authorizing James H. McCardle to construct a mill dam on the Big Pappillon creek in Douglas county, N. T.

Mr. Bowen of Washington, introduced

H. F. No. 117, "A bill for an act to redefine the western boundaries of Washington county."

Read the first time.

On motion of Mr. Bowen,

The rules were suspended, and the bill by its title read a second time, and referred to the Committee on Boundaries and County Seats.

Mr. Burbank of Richardson, introduced

H. F. No. 118, "A bill for an act to locate the county seat of Richardson county."

Read the first time.

On motion of Mr. Burbank,

The rules were suspended, and the bill by its title read a second time and referred to a special committee of five.

Messrs. Burbank, Myers, Nuckolls of Richardson, McCasland and Goshen, appointed such committee.

Mr. Bates of Dakota, presented the petition of the citizens of Dakota county, praying for the repeal of a ferry charter granted to John K. Cook and Daniel Rider and their associates, for ferrying across the Missouri river at Sioux city.

Which was read, and

On motion,

Referred to the Committee on Corporations.

Mr. Nuckolls of Otoe, introduced

H. F. No. 119, "A bill for an act to incorporate the town of Marietta."

Read the first time.

On motion of Mr. Kennedy of Douglas,

The rules were suspended, and the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Nuckolls of Otoe, offered a remonstrance from the citizens of Johnson county, relative to the relocation of the county seat and the changing of the boundaries of said Johnson county,

Which was read.

Mr. Nuckolls of Otoe, moved that the remonstrance be referred to the Committee on Boundaries and County Seats.

Withdrawn.

On motion,

The remonstrance was laid on the table to be taken up and considered at the same time with

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county."

Mr. Davis of Cass, introduced

H. F. No. 120, "A bill for an act to change the location of the territorial road at the Grove post office, Cass county."

Read the first time.

On motion of Mr. Davis,

The rules were suspended, and the bill by its title read a second time and referred to a special committee of three.

Messrs. Davis, Stephenson and Marquette, appointed such committee.

Mr. Burbank of Richardson, introduced

H. F. No. 121, "A bill for an act to exempt property from taxation."

Read the first time.

On motion of Mr. Burbank,

The rules were suspended; and the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Stephenson of Cass, introduced

H. F. No. 122, "A bill for an act to make an appropriation for a bridge over the Weeping Water at Barnum's Ford."

Read the first time, and

On motion of Mr. Maxwell of Cass,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Roads.

Mr. Reynolds of Otoe, gave notice

Of a bill to incorporate the Johnson county agricultural, literary and library association.

Mr. Latta of Cass, from special committee, submitted the following report:

Mr. Speaker:

Your committee which was appointed to inquire into the expediency of reducing the territorial tax, to ascertain as nearly as possible the amount of said tax requisite to defray the expenses of the Territory, and to ascertain whether or no the various counties have paid their equal proportion of the same, beg leave to offer the following report:

The number of acres of land entered in each county is

In Cass.....	139,479
Douglas.....	130,045
Washington.....	79,711
Richardson.....	40,189
Burt.....	15,713
Johnson.....	15,268
Otoe.....	133,872
Sarpy.....	99,769
Nemaha.....	68,495
Dodge.....	19,261

Dakota.....	15,642
Dixon.....	1,052
Pawnee not reported.	

Total number of acres reported..... 758,491

The average value of land per acre in each county is,

In Douglas.....	\$10.67
Cass.....	4.10
Dodge.....	3.75
Washington.....	3.30
Johnson.....	2.75
Otoe.....	4.42
Burt.....	3.98
Sarpy.....	3.43
Nemaha.....	3.19
Richardson.....	2.59
Dixon.....	2.48
Dakota.....	2.47
Average value of all the lands assessed per acre.....	3.92

Amount assessed as town property in each county:

In Douglas.....	\$1,523,935
Otoe.....	312,467
Nemaha.....	116,826
Dodge.....	40,970
Richardson.....	15,898
Johnson.....	1,900
Cass.....	351,782
Sarpy.....	117,115
Burt.....	59,791
Washington.....	39,904
Dakota.....	8,051

Total value of town lots..... \$2,588,589

The whole amount of territorial tax assessed to each county is, for

Douglas.....	\$6,318.10
Cass.....	3,009.91
Nemaha.....	1,481.53
Richardson.....	613.19
Burt.....	420.82
Johnson.....	203.85
Platte.....	71.84
Otoe.....	3,563.78
Sarpy.....	1,604.41
Washington.....	1,143.58
Dodge.....	478.84

Dakota	324.73
Dixon	97.40
Cedar	56.09

Total amount assessed.....\$19,387.57

Salaries and fees paid officers in the current year, 1859:

To Territorial School Commissioner.....	\$1,000.00
“ “ Auditor	800.00
“ “ Treasurer	400.00
“ “ Librarian	100.00

District attorneys..... 4,760.00

District attorneys' fees yet due..... 2,000.00

Paid for printing for the different offices, about.... 100.00

Total amount of expenditures, including the fees not yet paid to the district attorneys is..... 9,160.00

Which being taken from the amount assessed leaves a surplus of..... 10,227.57

It will be seen that the Auditor's report as found in the Governor's message, show the expenditures to be..... 1,160.00

Less than is shown above. Taking all these things into consideration, your committee would most respectfully intimate that the assessment made for the current year of three mills on the dollar, is more than double the amount requisite to defray the expenses of the Territory, and ought to be reduced at least one-half; that, although the territory has a small debt resting upon her, this is not the time for its immediate liquidation, owing to the depression of the times.

Your committee would further intimate that the fees of the District Attorneys amount to more at the end of the year than those officers of right ought to receive, and recommend that they be so reduced as that each officer shall not receive more than one thousand five hundred dollars per annum.

Your committee would also recommend that the office of Territorial School Commissioner be abolished, and that the Territorial Librarian be vested with the authority, and required to perform all the duties of Territorial School Commissioner, and that he be paid a reasonable compensation therefor.

W. S. LATTA,
NATHAN MYERS,
D. D. BELDEN,
Committee.

Mr. Davis of Cass moved that 500 copies of the report be printed for the use of the members of the House.

Carried.

H. F. No. 34, "A bill for an act to extend the time for the payment of taxes in Nebraska Territory."

Taken up.

Mr. Bowen of Washington, moved that the House now resolve itself

into a Committee of the Whole, for the purpose of considering the subject of taxation.

Carried.

And the House then went into Committee of the Whole.

Mr. Johnson of Douglas in the chair.

Having under consideration

H. F. Nos. 57, 34, 32, 18, and C. B. Nos. 4 and 17, "Bills relating to taxation and revenue."

Message from the Council announced.

The Speaker resumed the chair,

When the following message was received from the Council:

COUNCIL CHAMBER,

December 28th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that

C. B. No. 52, "An act to incorporate Kearney city, in Kearney county,"

Has passed the Council, and the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

The message having been received, the House again went into Committee of the Whole.

The House having resumed business,

Mr. Johnson of Douglas, from the committee reported progress, when

The following message was received from the Governor by the hands of his private secretary

EXECUTIVE CHAMBER,

Omaha, Dec. 27th, 1859. }

To the House of Representatives:

Mr. Speaker:

I am directed by the governor to inform your honorable body, that he has signed and approved:

"A bill to legalize the first organization of Gage county, the location of the county seat at Beatrice, and the official acts of the officers of said county."

JOHN McCONIHE,
Private Secretary.

Mr. Collier of Burt, moved that the supplemental bill reported as a substitute, be engrossed and one hundred ordered printed, and that the several bills before the House relating to revenue shall be made the special order of the day for Monday next.

Mr. Bowen of Washington, moved to amend, that the Committee of the Whole be discharged from the further consideration of the subject.

Amendment accepted.

Mr. Hanscom moved to adjourn.

Not entertained.

Mr. Johnson of Douglas, moved that the bill be engrossed and read a third time to-morrow.

Not entertained.

Mr. Hanscom of Douglas, moved to adjourn.

Withdrawn.

Mr. Rogers of Dodge, on leave, introduced

H. F. No. 123, "A bill for an act for the relief of Lacy & McCormick, and George Claves."

On motion of Mr. Rogers,

The rules were suspended, and the bill by its title read the first and second time and referred to a special committee of three.

Messrs. Rogers, Johnson and Nuckoll of Otoe, appointed such committee.

Mr. Collier of Burt, withdrew the motion to print, &c.

Mr. Lake of Douglas, on leave, introduced

H. F. No. 124, "A bill for an act to amend the Criminal Code."

On motion of Mr. Lake,

The rules were suspended, and the bill by its title read first and second time and referred to the Committee on Judiciary.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Collier of Burt, moved that the House now go into Committee of the Whole on the several revenue bills.

Carried.

And the House resolved itself into Committee of the Whole, having under consideration,

H. F. Nos. 57, 34, 32 and 18, and C. B. Nos. 4 and 17, relative to revenue.

Mr. Taffe of Dakota, in the chair.

The House having resumed business,

Mr. Taffe, from the Committee of the Whole, reported that the committee had had the several revenue bills under consideration, and reported the same back to the House without recommendation.

Mr. Collier of Burt, moved that the supplemental bill reported as a substitute, be engrossed and 100 copies ordered to be printed, and that the several bills before the House relating to revenue be made the special order of the day for Tuesday next.

Carried.

Mr. Taffe of Dakota, moved to adjourn.

Carried.

House adjourned at 3 o'clock P. M.

Thursday, December 29th, 1859.

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 29th, 1859. }

The House met at 10 o'clock A. M. pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Bates, Belden, Lake and Nuckolls of Richardson.

On motion of Mr. Tufts of L'eau-qui-Court,
Leave of absence was granted to Mr. Bates of Dakota.

On motion of Mr. Brodhead of Otoe,
Leave of absence was granted to Mr. Nuckolls of Richardson.

A quorum being present, the Journal of yesterday's session was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
December 29th, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed the following bills, and respectfully request the concurrence of the House therein:

C. B. No. 31, "A bill for an act to locate a territorial road in Cass county;"

C. B. No. 42, "A bill for an act to establish the county of Dawson, and define its boundaries;"

C. B. No. 10, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected;"

C. B. No. 44, "Joint resolution relative to an exchange of the laws and journals."

I also return to your honorable body,

H. F. No. 74, "A bill for an act to locate a territorial road in the counties of Nemaha and Richardson;"

H. F. No. 55, "A bill for act to authorize Stephen Story, Jasper G. Lewis and Henly R. Price to keep a ferry on the Missouri river at St. Stephens;"

H. F. No. 58, "A bill for an act to organize the county of Kearney, to define its boundaries and locate the county seat thereof;"

H. F. No. 88, "A joint resolution and memorial relative to the withdrawal from reservation of certain reserved government lands;"

The same having passed the Council without amendment.

I also return to your honorable body,

H. F. No. 1, substitute, "A bill for an act to provide for the transportation of convicts, and for other purposes,"

The same having passed the Council with the amendments thereto affixed.

I also return to your honorable body,

H. F. No. 7, "A bill for an act to authorize suits upon written instruments to be brought in the name by which the same are executed,"

The same having passed the Council with the addition of several sections which are thereto attached, and by the addition of the words "and for other purposes," to the title.

In all of which the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, presented a remonstrance from the citizens of Cedar county, relative to the proposed change of the western boundary line of Dixon county in such a manner as to include within its limits a portion of Cedar county.

And also, presented a remonstrance from the citizens of Dixon county, against the extension of the western boundary any farther west than the township line between ranges three and four east.

Both remonstrances were read, and

On motion,

Referred to the Committee on Boundaries and County Seats.

Mr. Marquette of Cass, presented a remonstrance from the citizens of Cass county against the passage of a special bill enabling the people of Cass county to relocate the county seat thereof.

Remonstrance read, and

On motion of Mr. Marquette of Cass,

Referred to the Committee on Boundaries and County Seats.

Mr. Hanscom of Douglas, on leave, introduced

H. F. No. 125, "A bill for an act to amend the charter of the city of Omaha."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to a special committee of three, to consist of members from Douglas county.

The Speaker appointed Messrs. Hanscom, Belden and Johnson, such special committee.

Mr. Barnard of Hall, on leave, introduced

H. F. No. 126, "A bill for an act to allow Wm. George Hollins and associates to keep and run a ferry across the Loup fork of the Platte river, at the mouth of Looking-glass creek."

Read the first time.

On motion of Mr. Barnard of Hall,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Shields of Sarpy, introduced

H. F. No. 127, "A bill for an act to establish a ferry across the Platte river near the mouth of Salt creek."

Read the first time.

On motion of Mr. Shields of Sarpy,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Leave of absence was granted to Mr. Goshen of Johnson, on account of illness.

Mr. Belden of Douglas, introduced

H. F. No. 128, "A memorial for a land grant."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time, and

On motion of Mr. Collier of Burt,

Referred to the Committee on Federal Relations.

Mr. Hanscom of Douglas, introduced

H. F. No. 129, "A bill for an act to change the time of electing a delegate to Congress from Nebraska."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Privileges and Elections.

Mr. Keeling of Nemaha, introduced

H. F. No. 130, "A bill for an act to make an appropriation to build a bridge across the Little Nemaha river."

Read the first time.

On motion of Mr. Keeling of Nemaha,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Stephenson of Cass, introduced

H. F. No. 131, "A bill for on act to authorize Jesse D. Thompson to keep a ferry at Liberty."

Read the first time.

On motion of Mr. Davis of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Adams of Otoe, introduced

H. F. No. 132, "A bill for an act to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city, Otoe county, Nebraska Territory."

Read the first time.

On motion of Mr. Reynolds of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Barnard of Hall, introduced

H. F. No. 133, "A bill for an act to authorize J. J. Eldridge to erect a mill dam across Wood river in Hall county, Nebraska Territory."

Read the first time.

On motion of Mr. Barnard of Hall,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Keeling of Nemaha, presented the petition of the citizens of Nemaha and Richardson counties, for an appropriation for bridging the Little Nemaha river on the Territorial road passing through Nemaha

and Falls city to the Big Nemaha river, being on the mail route running south from Omaha city to St. Joseph.

Petition read.

Mr. Brodhead of Otoe, introduced

H. F. No. 134, "A bill for an act to change and better define the boundary lines of Butler county."

Read the first time.

On motion of Mr. Brodhead of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

Mr. Rogers of Dodge, presented the petition of the citizens of Dodge county, that no part of said county be taken away.

Petition read and referred to the Committee on Boundaries and County Seats.

Mr. Johnson of Douglas, offered the following:

Resolved, That this House will take a recess each day from one o'clock until three P. M.

Laid over under the rule.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 100, "A bill for an act to confer on the people of the several precincts of Dodge county the privilege of deciding whether stock shall be restrained from running at large therein,"

Have had the same under consideration and recommend its passage without amendment.

HARRISON JOHNSON, Chairman.

Mr. Nuckolls of Otoe, from a select committee, submitted the following report:

Mr. Speaker:

Your select committee, to whom was referred

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company,"

Have had the same under consideration and beg leave to report: That the objects contemplated in the bill, if accomplished, will result in great public good; the three creeks intended to be united by ditches, at present flow out upon the river bottom, inundating several thousand acres of land and rendering it unfit for cultivation. And your committee have no doubt that it is a fruitful source of much sickness and disease by reason of the wide expanse of stagnant water continually remaining upon the ground. Believing the ditching of said lands would effectually reclaim them for purposes of agriculture, promote the good health of the surrounding community, and that the united waters of the three creeks will create a very valuable water power, thereby

contributing to the general wealth of the Territory; therefore your committee respectfully recommend the passage of the bill.

S. F. NUCKOLLS,
W. W. KEELING,
ALEX. BAIN,
T. H. ADAMS,
JNO. P. BAKER.

Mr. Johnson of Douglas, introduced

H. F. No. 135, "A bill for an act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county, N. T."

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to which was referred

House Files Nos. 89 and 114, with reference to the construction of bridges,

Having had the same under consideration, have directed me to report the same back to the House with the recommendation that H. F. No. 114 do pass.

JOHN C. CAMPBELL, Chairman.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 77, "A bill for an act to authorize Otoe county to subscribe and take stock in any railway in Fremont county, Iowa,"

Having had the same under consideration, have directed me to report the same back to the House without recommendation.

JOHN C. CAMPBELL, Chairman.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

A majority of your committee having under consideration

C. B. No. 27, substitute, "A joint resolution for the relief of Justin Davis,"

Respectfully report the same back to the House, and recommend its passage.

W. W. KEELING,
E. H. ROGERS,
JOHN S. BOWEN.

H. F. No. 1, substitute, "A bill for an act to provide for the transportation of convicts, and other purposes,"

And the amendments proposed thereto by the Council,

Taken up, and

The Council amendments concurred in.

H. F. No. 7, "A bill for an act to authorize suits upon written instruments to be brought in the name by which the same are executed,"

And the Council amendments thereto,

Taken up.

The amendments proposed by the Council concurred in.

C. B. No. 52, "A bill for an act to incorporate Kearney city in Kearney county,"

Taken up.

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

C. B. No. 51, "A bill for an act to locate a territorial road in Cass county,"

Taken up.

Read the first time.

On motion of Mr. Kennedy of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Roads.

C. B. No. 44, "Joint resolution relative to exchange of laws and journals,"

Taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill by its title read a second time.

The rules again suspended, the bill by its title read a third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 41, "A bill for an act to fix the rate of toll across the Loup fork ferry,"

Having had the same under consideration, have instructed me to report back a substitute, and recommend its passage.

A. J. HANSCOM, Chairman.

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries,"

Taken up.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Boundaries and County Seats.

Mr. Burbank of Richardson, from special committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 118, "A bill for an act to locate the county seat of Richardson county,"

Have had the same under consideration, and ask leave to make the following report:

The county seat of Richardson county was located at Salem by act of the Territorial Legislature, approved October 3, 1858, where it yet remains. The said act (found on pages 394-5 of the Laws of 1858), provides for holding an election on the 6th of December, 1858, for the permanent location of the county seat of the county, by a vote of the people thereof. An election was held on that day, but no one place received a majority of all the votes polled at that time. A second election was held on the 25th of December following, and with a like result. By virtue of the provisions of said act, the county commissioners ordered a new election to be held on the 10th of January, 1859, at which Falls City and Salem were the only places balloted for. At this election Falls City received a majority of thirty-four of all the votes polled. The vote stood:

For Falls City,.....	329
For Salem,.....	295
Majority for Falls City,.....	34

But the board of county commissioners, for an alleged informality in the mode of swearing the election board at the St. Stephens precinct, rejected the vote altogether from the precinct, and refused to count the same or any portion thereof. At that precinct Falls City had fifty-six majority over Salem. The board of canvassers also rejected the votes returned from Spicer precinct, where Salem had a majority of twenty-two over Falls City. This was also done for some alleged informality in the poll book. By rejecting the votes from these two precincts, it left the balance of the votes in the county equally divided between Salem and Falls City. There being a tie vote between the two places, of course no removal of the county seat was effected, as the act before referred to, requires a *majority* of all the votes polled to effect a removal.

Several persons on behalf of Falls City gave notice of the time and place of contesting the validity of the election of "Salem" for the county seat aforesaid. By special provision of the act before referred to (see sec. 5 of the same), the county clerk is made the contest board in case of contest under the provisions of the act. The depositions were taken at the time fixed for the final hearing, and the contest board (the county clerk), finally decided that *Salem* was the county seat of the county. The clerk, however, first decided in favor of Falls City, afterwards revoked his decision and decided in favor of Salem, as before stated.

Several persons on behalf of Falls City filed a "Petition in error," in the Richardson county district court, to remove therein for revision and correction, the proceedings had before the county clerk relative to the

contest aforesaid. At the April term 1859, of said court, the cause was argued on a motion to dismiss the petition and writ for want of jurisdiction in the court to sustain and try it. The motion to dismiss was sustained by the court.

From the judgment of the district court, Falls City appealed to the supreme court of the Territory, which, at the December term (1859) thereof, affirmed the judgment of the district court in dismissing the petition, etc.

From these facts, it is apparent that the will of a majority of the people of the county, legally and fairly expressed through the ballot box on the 10th of January, 1859, has been entirely and wrongfully disregarded. The obvious import, and true intent and meaning "of the act for the location of the county seat by a vote of the people," before referred to, has been rendered abortive, and its wholesome and just provisions set at defiance by the board of canvassers and contest board aforesaid.

The will of the people, when fully and fairly ascertained, is entitled to full respect and due consideration. The elective franchise is regarded as a most sacred right, and should be carefully, cautiously and jealously guarded. When the will of the majority shall be totally disregarded and set at naught; when the right to exercise the elective franchise by the people, and the power to make that right effective has been thwarted and usurped by corrupt officers or designing men, as has been done in this case, then the election amounts to nothing more than a mockery.

The election held on the 10th of January, 1859, in Richardson county, in its final result, was nothing but a MERE MOCKERY.

Your committee are of the opinion that if the bill under consideration shall become a law, that a full and fair expression of the will of the people can and will be had on the day fixed for the election; that the question of the location of the county seat will then be settled, and finally settled, by those alone who feel directly interested in the result.

Your committee, therefore, recommend the passage of the bill without amendment.

J. E. BURBANK,
NATHAN MYERS,
C. A. GOSHEN,
J. N. McCASLAND.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 39, "Joint resolution for the relief of George A. Graves,"

Having had the same under consideration, respectfully report the same back to the House and recommend its passage.

W. W. KEELING,
E. H. ROGERS,
W. R. DAVIS,
JOHN S. BOWEN,
J. N. STEPHENSON,

Mr. Hanscom of Douglas, moved to recommit the bill to the Committee on Accounts and Expenditures, with instructions to report the facts upon which the account is based.

Lost.

C. B. No. 10, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected,"

Taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,
The rules were suspended, the bill by its title read a second time and referred to the Committee on Ways and Means.

C. B. No. 27, "Joint resolution for the relief of Justin Davis,"

Taken up.

Mr. Davis of Cass, moved to amend by striking out the words "eighty dollars" and inserting in lieu thereof the words "sixty dollars."

Lost.

Bill read a third time.

Passed and title agreed to.

C. B. No. 39, "Joint resolution for the relief of George A. Graves,"

Taken up.

Read a third time.

The bill being on its passage, the ayes and nays were had with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Barnard, Belden, Bowen, Burbank, Brodhead, Collier, Crowe, Davis, Hinsdale, Johnson, Keeling, Lake, Latta, Malcolm, McCasland, Maxwell, Noel, Rogers, Reck, Shields, Taffe and Tufts.—25.

Nays—Messrs. Baker, Campbell, Hanscom, Marquette, Myers, Reynolds, Stephenson and Stewart.—8.

So the bill

Passed.

The title was then agreed to.

H. F. No. 118, "A bill for an act to locate the county seat of Richardson county,"

Taken up.

On motion

Postponed until to-morrow.

H. F. No. 41, "A bill for an act to establish the rate of ferriage at the Loup Fork ferry,"

And substitute proposed therefor by the Committee on Corporations,
Taken up.

Substitute read and adopted.

Bill read a third time.

Passed and title agreed to.

H. F. No. 114, "A bill for an act for the construction of bridges,"

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.
Carried.

H. F. No. 89, "A bill for an act for the construction of bridges,"

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.
Carried.

Mr. Rogers of Dodge, moved that the Committee on Roads be instructed to report a bill amendatory of the road law.

Withdrawn.

Mr. Kennedy of Douglas, moved to take a recess until 3 o'clock.

Lost.

Mr. Brodhead of Otoe, moved that the House go into Committee of the Whole on the state organization bill.

Lost.

Mr. Brodhead of Otoe, moved that the bill relating to framing a constitution and state government for the state of Nebraska, be made the special order of to-morrow at 11 o'clock, in Committee of the Whole House.

Not entertained.

Mr. Barnard of Hall, moved to take a recess to 2½ o'clock.

Lost.

H. F. No. 49, "A bill for an act to provide for the erection of a jail in Otoe county,"

Taken up.

Mr. Campbell of Otoe, offered the following as an amendment:

"This act shall be submitted to a vote of the people of Otoe county at the next general election; if a majority shall vote for said tax, then this law shall be in full force and effect; if a majority shall vote against it, then this law shall be null and void."

Amendment adopted.

Bill ordered engrossed for a third reading.

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company,"

Taken up.

On motion of Mr. Nuckolls of Otoe,

The rules were suspended, the bill by its title read a third time.

Passed and title agreed to.

H. F. No. 69, "A bill for an act for the better regulation of Territorial roads,"

Taken up.

Mr. Maxwell of Cass, moved to strike out the third section.

Lost.

Mr. Taffe of Dakota, moved that the bill be indefinitely postponed.

Carried.

H. F. No. 90, "A bill for an act restraining stock in Cass, Otoe and Nemaha counties."

Mr. Noel of Nemaha, moved that the bill be recommitted to a special committee of six.

Carried.

The Speaker appointed Messrs. Noel, Crowe, Campbell, Nuckolls of Otoe, Davis and Maxwell such special committee.

Mr. Kennedy of Douglas, moved to take a recess.

Lost.

H. F. No. 13, "A bill for an act to provide for the foreclosure of mortgages by advertisement."

Taken up.

Mr. Johnson of Douglas, moved that the further consideration of the bill be indefinitely postponed.

Carried.

Mr. Collier of Burt, moved to adjourn.

Lost.

H. F. No. 77, "A bill for an act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa,"

Taken up.

Bill by its title read a third time.

Passed and title agreed to.

H. F. No. 85, "A bill for an act to locate a Territorial road from Nebraska city to New Fort Kearney,"

Taken up.

Mr. Hanscom of Douglas, moved to strike out the words "Territorial treasury" in section four, and insert "out of the county treasury of the counties through which said road will pass."

Amendment adopted.

On motion,

The bill was ordered engrossed and read a third time on to-morrow.

H. F. No. 87, "A bill for an act to amend an act entitled 'An act to amend an act entitled 'An act for locating and opening, repairing and changing county roads,' approved Jan. 26, 1856,' approved Oct. 29, 1858.'"

Taken up.

Mr. Taffe of Dakota, moved to postpone indefinitely.

Carried.

H. F. No. 100, "A bill for an act to confer on the people of the various precincts in Dodge county the privilege of deciding whether stock shall be restrained from running at large therein,"

Taken up.

On motion of Mr. Rogers of Dodge,

Ordered engrossed for a third reading on to-morrow.

H. F. No. 45, "A bill for an act authorizing Thomas Patterson, W. H. Spratlen and G. E. Fleming to keep a ferry across the Missouri river at Rock Bluffs city in Cass county."

Bill by its title read a third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Noel of Nemaha, moved that the House go into Committee of the Whole on state organization.

Carried.

House then went into Committee of the Whole, having under con-

sideration H. F. No. 3, and C. B. No. 5, being bills with reference to state organization.

Mr. Kennedy of Douglas, in the chair.

The House having resumed business,

Mr. Kennedy of Douglas, chairman of the Committee of the Whole, reported the several bills back to the House, with several amendments, and recommended the passage of H. F. No. 3, substitute.

Mr. Nuckolls of Otoe, moved that the bill be engrossed and read a third time on to-morrow, and upon that called the previous question.

Mr. Hanscom of Douglas, moved that 200 copies be printed.

Declared out of order.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Davis of Cass, asked leave to amend.

Mr. Nuckolls of Otoe, withdrew his call for the previous question.

Mr. Davis of Cass, moved to amend by striking out "52" in the first line of section four, and inserting "39," and by striking out the words "as follows" in the second line and all the balance of section four, and inserting in lieu thereof "as members of the House of Representatives of the Territory are now apportioned by law."

Mr. Hanscom of Douglas, moved to lay the amendment on the table.

Lost.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

The question occurring on the adoption of the amendment, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bowen, Burbank, Campbell, Crowe, Davis, Latta, Marquette, McCasland, Maxwell, Rogers, Reynolds, Stephenson and Taffe.—15.

Nays—Messrs. Arnott, Barnard, Belden, Brodhead, Collier, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Stewart and Tufts.—20.

So the amendment was

Lost.

Mr. Nuckolls of Otoe, moved to amend.

Mr. Johnson of Douglas, moved to adjourn.

Lost.

Mr. Bowen of Washington, moved that the House now proceed to take up H. F. No. 3, substitute, in order.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

H. F. No. 3, substitute, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Taken up.

The first section read, and

On motion of Mr. Brodhead of Otoe,
Adopted.

Mr. Hinsdale of Dakota, moved to adjourn.

Lost.

Second section read.

Call of the House ordered.

Absent—Messrs. Adams, Bates, Burbank, Goshen, Keeling, Lake, Malcolm, Nuckolls of Richardson, Reck and Tufts.

Mr. Johnson of Douglas, moved that the Sergeant-at-Arms be dispatched after the absentees.

Mr. Noel of Nemaha, moved that all further proceedings under the call be dispensed with.

Lost.

The question being on the motion to dispatch the Sergeant-at-Arms after the absentees, it was

Carried.

Mr. Tufts of L'eau-qui-Court, moved to adjourn.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Arnott, Barnard, Collier, Crowe, Hanscom, Hinsdale, Marquette, Reck and Tufts.—9.

Nays—Messrs. Adams, Bain, Baker, Bowen, Belden, Brodhead, Campbell, Davis, Johnson, Keeling, Kennedy, Latta, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Reynolds, Shields, Stephenson, Stewart, and Taffe—24.

So the motion to adjourn was

Lost.

Mr. Hanscom of Douglas, asked leave of absence for the remainder of the day.

Withdrawn.

Mr. Noel of Nemaha, moved that all further proceedings under the call be dispensed with.

Carried.

Mr. Nuckolls of Otoe, moved that the second section be adopted.

Carried.

Section three read.

Mr. Bowen of Washington, moved to amend by striking out the word "organization" in the third line, and inserting in lieu thereof the word "government."

Adopted.

Section three as amended

Adopted.

Section four read.

The amendment proposed by the Committee of the Whole to the 9th line, by inserting after the word "Cass," the words "Clay, Saline and Lancaster," was

Lost.

Mr. Hanscom of Douglas, moved to amend the thirteenth paragraph by inserting after the word "Monroe," the word "Buffalo."

Amendment adopted.

Mr. Nuckolls of Otoe, moved to amend the fourteenth paragraph by inserting after the word "Butler," the words "Clay, Saline; Lancaster."

Amendment adopted.

Mr. Hanscom of Douglas, moved to amend the fourteenth paragraph by inserting after the word "Lancaster," the words "Kearney and the counties west."

Amendment adopted.

Mr. Hanscom of Douglas, moved to amend the fourteenth paragraph by striking out the word "one" before the word "delegate," in the last line, and inserting in lieu thereof the word "two."

Lost.

Mr. Hanscom of Douglas moved to reconsider the vote by which the amendment placing "Kearney and the counties west," in the 13th delegate district was adopted.

Lost.

Mr. Hanscom of Douglas, moved to strike out the word "one" before the word "delegate" in the fourteenth paragraph, and insert in lieu thereof the word "two."

Declared out of order.

Mr. Nuckolls of Otoe, moved to reconsider the vote by which the amendment proposed to the 14th paragraph to strike out the word "one" before "delegate," and insert in lieu thereof the word "two," was lost.

Withdrawn.

Mr. Marquette of Cass, moved to reconsider the vote by which the amendment to sec. 4, including Clay, Saline and Lancaster counties in the 13th delegate district was adopted.

Carried.

Mr. Hanscom of Douglas, moved to amend the fourteenth paragraph by striking out the words "Green, Calhoun and Butler."

Adopted.

Mr. Brodhead of Otoe, moved to amend the sixteenth paragraph by inserting after the word "Jones," the words "Clay, Saline and Lancaster."

Withdrawn.

Mr. Marquette of Cass, moved to amend the sixteenth paragraph by inserting after the word "Jones," the words "Clay and Saline."

Withdrawn.

Mr. Hanscom of Douglas, moved to amend the seventeenth paragraph by inserting after the word "Lancaster," the words "Green, Calhoun and Butler," and by striking out the word "and" between the words "Saline" and "Lancaster."

Adopted.

Mr. Davis of Cass, moved to amend the 14th section by adding at the bottom thereof—"The members elected to the convention as provided for by this act, shall receive each for their services the sum of three dollars per day, to be paid out of any funds in the territorial treasury not otherwise appropriated."

Amendment adopted.

Mr. Nuckolls of Otoe, moved to amend the amendment just adopted to section 14, by adding "for 12 days," after the word "service."

Mr. Hanscom of Douglas, moved to amend the amendment by inserting "20 days" in lieu of "12 days."

Mr. Latta of Cass, moved to reconsider the vote by which the amendment proposed by Mr. Davis to section 14, was adopted.

Carried.

Mr. Hanscom moved to fill the blank in section 5 with "Omaha city."

Whereupon, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Arnott, Barnard, Belden, Bowen, Brodhead, Collier, Crowe, Hanscom, Johnson, Kennedy, Noel, Rogers, Reck, Shields and Stewart.—15.

Nays—Messrs. Adams, Bain, Baker, Burbank, Campbell, Davis, Hinsdale, Keeling, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Stephenson, Taffe and Tufts.—19.

So the amendment to insert "Omaha city" in the blank was
Lost.

Mr. Reynolds of Otoe, moved to insert "Nebraska city" in the blank.

Mr. Hanscom of Douglas, moved to insert Brownville.

Declared out of order.

The question being on the motion to insert "Nebraska city," the ayes and nays were demanded when the vote stood as follows:

Ayes—Messrs. Adams, Bain, Baker, Burbank, Campbell, Collier, Crowe, Davis, Hanscom, Hinsdale, Keeling, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Stephenson, Taffe and Tufts.—21.

Nays—Messrs. Arnott, Barnard, Belden, Bowen, Brodhead, Johnson, Kennedy, Latta, Noel, Rogers, Reck, Shields and Stewart.—13.

So the amendment to fill the blank with "Nebraska city" was
Adopted.

Mr. Johnson of Douglas moved to adjourn.

Ayes and nays demanded.

Call of the House ordered.

Absent—Messrs. Lake and Malcolm.

Mr. Reynolds of Otoe, moved that all further proceedings under the call be dispensed with.

Mr. Hanscom of Douglas, moved that the Sergeant-at-arms be dispatched after absentees.

Five members demanding the attendance of the same, the Sergeant-at-arms was dispatched after absentees.

Mr. Nuckolls of Otoe, moved that the rules be suspended, and that all further proceedings under the call be dispensed with.

Carried.

Mr. Johnson of Douglas, moved to adjourn.

The ayes and nays being demanded, the vote stood as follows:

Ayes—Messrs. Arnott, Barnard, Belden, Bowen, Burbank, Crowe, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, McCasland, Noel, Reck, Shields, Stewart, Tufts and Mr. Speaker.—18.

Nays—Messrs. Adams, Bain, Baker, Brodhead, Campbell, Collier, Davis, Latta, Marquette, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Reynolds, Stephenson and Taffe.—17.

So the motion to adjourn was

Carried.

The House adjourned at 5½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Friday, December 30th, 1859. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

A quorum being present, the Journal of yesterday's session was read and approved.

On motion of Mr. Nuckolls of Otoe,

Leave of absence was granted to Mr. McCasland of Pawnee, for the space of eight days.

Mr. Campbell of Otoe, moved to strike out absentees as noted on the Journal of yesterday.

Lost.

Mr. Belden of Douglas, on leave introduced

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association."

Read the first time.

On motion of Mr. Belden,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Nuckolls of Otoe, introduced

H. F. No. 137, "A bill for an act concerning the writ of *ad quod damnum*."

Read the first time by its title.

On motion of Mr. Nuckolls of Otoe,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Reck of Platte, presented a petition of the citizens of Platte county, praying that a certain ferry charter granted by the first session of the legislative assembly of the Territory of Nebraska, entitled "An act to incorporate the Elkhorn and Loup Fork bridge and ferry com-

Friday, December 30th, 1859.

pany," and also one entitled "An act to authorize Daniel C. Oaks and his associates the exclusive right and privilege to keep a ferry across the Loup Fork of Platte river," be revoked and made null and void.

Which was read, and

On motion of Mr. Kennedy of Douglas,

Referred to the Committee on Corporations.

Mr. Taffe of Dakota, introduced

H. F. No. 138, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,' approved January 26, 1856."

Read the first time.

On motion of Mr. Johnson,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

Mr. Lake, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 27, entitled "An act to regulate and establish the rate of interest on money and on contracts,"

Have, according to order, had the same under consideration, and beg leave to report the same back to the House without recommendation.

GEORGE B. LAKE, Chairman,
D. D. BELDEN,
T. M. MARQUETTE,
JAMES TUFTS,
W. H. BRODHEAD.

Report accepted.

Mr. Arnott, chairman of the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 50, "An act to review and change the territorial road from Jamison's mill in Otoe county to Hoover's mill in Nemaha county;"

Also,

H. F. No. 66, "A bill for an act to establish a territorial road in Nemaha and Richardson counties;"

Also,

H. F. No. 46, "A bill for an act to authorize the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory;"

Would respectfully report the same back to the House and recommend their passage.

JAMES M. ARNOTT, Chairman.

Report accepted.

Mr. Lake, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

The committee to whom was referred

H. F. No. 124, entitled "A bill for an act supplemental to and amendatory of 'An act to adopt and establish a Criminal Code for the Territory of Nebraska,' approved October 2d, 1858,"

Have, according to order, had the same, together with two other bills, to wit, H. F. Nos. 5 and 8, both also proposing amendments to our Criminal Code, under consideration.

Your committee would most respectfully represent, that all of said bills contain proposed amendments which are much needed, in order that our criminal statutes may not remain longer, as they have to some extent thus far, dead letters; particularly has that been the case with those offenses to which the two latter bills, Nos. 5 and 8, relate; the Legislature in their hurry of providing a Criminal Code which was so much needed, having entirely omitted to provide any penalty for crimes of assault, and assault and battery or affray, which the two last mentioned bills were intended to remedy; but as these omissions are also provided for in H. F. No. 124, together with several other important provisions, your committee have thought best that all these proposed amendments should appear in one act, and therefore, advise and recommend the indefinite postponement of House Files Nos. 5 and 8, and that H. F. No. 124, together with the amendments made thereto by your committee, and appearing on the face of the bill, be favorably considered by the House.

One of the amendments proposed in the last mentioned bill, and which your committee deem of considerable importance, is the one which, if finally adopted, will hereafter exclude from the witness stand, the husband or wife of the prisoner, who, under the law as it now is, are permitted to testify, and by virtue of an innovation upon the common law as sanctioned by the wisdom of all past time, too often made the willing instruments in enabling crime to cheat the law by the commission of the foulest perjury. There are other amendments of minor importance, but which your committee believe of sufficient worth to commend them to the favorable notice of the House.

Your committee have, therefore, directed me to report H. F. No. 124 back to the House, with the recommendation that the same do pass.

All of which is most respectfully submitted.

GEORGE B. LAKE,
D. D. BELDEN,
WM. H. BRODHEAD,
JAMES TUFTS,
T. M. MARQUETTE.

Report accepted,

Mr. Tufts, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your Committee on Boundaries and County Seats, to whom was referred

H. F. No. 117, entitled "An act to redefine the Western boundaries of Washington county,"

Friday, December 30th, 1859.

Having had the same under consideration, beg leave to report the same back to the House without amendment and recommend its passage.

Also,

H. F. No. 96, "A bill for an act to organize certain counties, define the boundaries and locate the county seats of the same,"

Your committee having had the same under consideration, have directed me to report said bill back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

JAMES TUFTS, Chairman of Committee.

Report accepted.

Mr. Noel, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report that they have this morning presented to the Governor for his approval,

"An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city, Pierce county, N. T.'"

J. NOEL, Chairman.

Mr. Hanscom, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 135, "An act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county;"

Also,

C. B. No. 52, "An act to incorporate Kearney city in Kearney county;"

Also,

H. F. No. 127, "An act to establish a ferry across the Platte river near the mouth of Salt creek;"

Having had the same under consideration, have instructed me to report the same back to the House without amendment, and recommend their passage.

A. J. HANSCOM, Chairman.

Accepted.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred the following bills, to wit:

H. F. No. 42, "An act to vacate a part of the town site of the town of Wyoming;"

H. F. No. 103, "An act to establish a ferry across the South Platte river at St. Vrain;"

H. F. No. 97, "An act to authorize Fellows D. Pease and Anthony Rapalee to establish and keep a ferry across the Missouri river;"

H. F. No. 99, "An act to authorize Michael Jones and others to keep a ferry at St. Helena in Cedar county;"

H. F. No. 104, "An act to establish a ferry or toll bridge across the St. Vrain Fork river, near St. Vrain in St. Vrain county, N. T.;"

H. F. No. 98, "An act to authorize J. B. Weston to erect a mill dam across the Big Blue river;"

H. F. No. 119, "An act to incorporate the town of Marietta;"

H. F. No. 111, "An act to incorporate the Dixon town and ferry company;"

H. F. No. 116, "An act to authorize Wm. S. Horn to keep a ferry across the Missouri river at Peru, in Nemaha county, N. T.;"

C. B. No. 25, "An act to incorporate the Platte city bridge company;"

And,

C. B. No. 29, "An act to incorporate the South Pass bridge company;"

Having had the same under consideration, have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Accepted.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred the following bills, viz:

C. B. No. 15, "An act to incorporate Table Rock seminary;"

C. B. No. 40, "An act to incorporate the Brownville hydraulic gas light and coke company;"

C. B. No. 16, "An act to incorporate the Town of Table Rock;"

H. F. No. 61, "An act to incorporate the city of Peru."

H. F. No. 93, "An act to incorporate a seminary, to be located in the city of Florence."

And,

H. F. No. 105, "An act to incorporate the city of Liberty, in Cass county, N. T."

Having had the same under consideration, have instructed me to report the same back to the House without recommendation.

All of which is respectfully submitted.

A. J. HANSCOM, Chairman.

Accepted.

C. B. No. 52, "A bill for an act to incorporate Kearney city in Kearney county;"

Taken up and read the third time.

Passed and title agreed to.

H. F. No. 135, "A bill for an act to authorize J. J. Eldrige to erect a mill dam across Wood river in Hall county;"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 25, "An act to incorporate the Platte city bridge company;"

Taken up.

Mr. Hanscom of Douglas, moved that the bill be postponed until Monday next.

Lost.

On motion of Mr. Johnson of Douglas,
The bill was recommitted to a special committee of three.

Messrs. Johnson, Lake and Maxwell appointed such committee.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Taken up.

Mr. Hanscom of Douglas, moved to reconsider the vote by which "Nebraska city" was inserted in the blank in the fourth line of section five.

Call of the house ordered.

Absent—Messrs. Kennedy, Reynolds and Shields.

On motion,

The Sergeant-at-arms was dispatched after absentees.

Mr. Noel of Nemaha, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report
H. F. No. 54, "A bill for an act to authorize Silas Babcock to construct a mill dam across Long Branch,"

Also,

H. F. No. 85, "A bill for an act to locate a territorial road from Nebraska city to Fort Kearney,"

As correctly engrossed.

J. NOEL, Chairman.

The absentees having appeared within the bar of the House, all further proceedings under the call were dispensed with; and the question occurring on the motion to reconsider the vote by which "Nebraska city" was inserted in the blank in the fourth line in section five in H. F. No. 3.

Whereupon the ayes and nays were demanded.

Call of the House ordered.

Mr. Myers absent.

Sergeant-at-arms sent after absentee.

All further proceedings under the call dispensed with.

Question occurring on the motion to reconsider, the ayes and nays were called, when the vote stood as follows:

Ayes—Messrs. Arnott, Barnard, Bates, Belden, Brodhead, Collier, Crowe, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Malcolm, Marquette, Myers, Noel, Nuckolls of Otoe, Reck, Shields and Stewart.—21.

Nays—Messrs. Adams, Bain, Baker, Bowen, Campbell, Davis, Hinsdale, Latta, Maxwell, Nuckolls of Richardson, Rogers, Reynolds, Stephenson, Taffe and Tufts.—15.

So the motion to reconsider was

Carried,

And the vote inserting "Nebraska city" in the blank was reconsidered.

Mr. Bates of Dakota, chairman of the Committee on Privileges and Elections, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 129, "A bill for an act to change the time of electing a delegate to Congress from Nebraska,"

Beg leave to report that after a careful examination of the same, recommend that in section 1 the seventh line be so amended as to read "the term of office of said delegate shall commence on the 4th day of March next after his election."

With the above amendments, we respectfully recommend its passage.

B. BATES, Chairman.

Mr. Bowen of Washington, chairman of the special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 29, "A bill for an act to locate a territorial road from Decatur to De Soto,"

Have had the bill under consideration, and being unable to agree, report the same back to the House without recommendation.

JOHN S. BOWEN,

J. S. STEWART,

DAVID S. COLLIER.

Mr. Rogers of Dodge, presented a memorial for the relief of Robert Moorland.

Which was read, and

On motion,

Referred to the Committee on Military Affairs.

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Taken up, and

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Mr. Campbell of Otoe, moved that Mr. Goshen be allowed to speak on this question as often as he pleased.

Carried.

Mr. Taffe of Dakota, moved to postpone the bill until Tuesday next.

Mr. Hanscom of Douglas, moved to amend by postponing until the first day of February next.

Amendment lost.

The question occurring on the original motion to postpone until Tuesday next, it was

Carried.

C. B. No. 16, "A bill for an act to incorporate the town of Table Rock,"

Taken up, and

Read the third time.

Passed and title agreed to.

C. B. No. 15, "A bill for an act to incorporate Table Rock seminary,"

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Goshen of Johnson, moved that the bill be postponed till the 9th day of January.

On motion of Mr. Collier of Burt,

The bill was recommitted to the Committee on Corporations.

C. B. No. 40, "A bill for an act to incorporate the Brownville hydraulic gas light and coke company,"

Was taken up and

Read the third time.

Passed and title agreed to.

Mr. Bain of Otoe, introduced

H. F. No. 139, "A bill for an act to provide for the election of assessors, supervisor of roads, judges of elections, justices of the peace and constables."

Read the first time, and

On motion of Mr. Brodhead of Otoe,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Was taken up.

Mr. Hanscom of Douglas, moved to amend the 4th line of section 5 by inserting in the blank the "Capitol of the Territory."

Carried.

Mr. Nuckolls of Otoe, moved to reconsider the vote by which section one (1) was adopted.

Carried.

When Mr. Nuckolls of Otoe, moved to amend the 3d line of section (1) one by inserting "the 2d Monday of February."

Mr. Brodhead of Otoe, moved to amend by inserting "the first Monday in February."

Mr. Taffe of Dakota, moved to amend by inserting "the second Tuesday in October."

Upon which the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Bain, Burbank, Collier, Hinsdale, Nuckolls of Richardson, Rogers, Reck, Stephenson, Taffe and Tufts.—10.

Nays—Messrs. Arnott, Baker, Barnard, Bates, Belden, Bowen, Brodhead, Campbell, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Reynolds, Shields and Stewart.—27.

Lost.

Mr. Malcolm of Douglas, moved to amend by inserting "the first Monday in March,"

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Bates, Belden, Bowen, Brodhead, Campbell, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Reck, Shields, Stephenson and Stewart.—28.

Nays—Messrs. Bain, Baker, Burbank, Collier, Hinsdale, Nuckolls of Richardson, Reynolds, Taffe and Tufts.—9.

So the amendment was

Adopted.

Mr. Hanscom of Douglas, moved that section one (1) as amended be adopted.

Carried.

Mr. Hanscom of Douglas, moved to reconsider the vote by which the House adopted section five.

Carried.

When Mr. Hanscom moved to amend the fifth line of section five by striking out "second Monday in March" and inserting the "second Monday in April."

Mr. Taffe of Dakota, moved to amend by inserting "first Monday in April."

Question occurring on the original motion, it was

Carried.

Mr. Hanscom of Douglas, moved that section five as amended be adopted.

Carried.

Mr. Rogers of Dodge, moved to reconsider the vote by which the House adopted section four.

Some discussion arising as to whether the motion was in order on account of the difficulty of ascertaining whether the mover voted in the affirmative.

Mr. Bowen of Washington moved to reconsider the vote adopting section four.

Lost.

Section six read.

Mr. Brodhead of Otoe, moved that the section as read be adopted.

Mr. Collier of Burt, moved to amend by adding at the end of such section the words "shall be had."

Amendment adopted.

Question occurring on the motion of Mr. Brodhead to adopt the section, it was

Carried.

Section seven read.

Amendment proposed by the Committee of the Whole to strike out the whole of said section and insert in lieu thereof "the sum of three thousand dollars is hereby appropriated out of the Territorial treasury to pay the members of said constitutional convention and the incidental expenses of said body," being under consideration,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Bowen, Burbank, Brodhead, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Lake, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Reck, Shields, Stephenson, Stewart and Taffe.—28.

Nays—Messrs. Belden, Campbell, Johnson, Keeling, Kennedy, Malcolm, Nuckolls of Richardson, Reynolds and Tufts.—9.

So the amendment was

Adopted.

Mr. Reck of Platte, moved to amend section 7 by adding "the delegates to the constitutional convention shall receive three dollars each for every twenty miles travel in going to and returning from the said convention."

Withdrawn.

Mr. Hanscom of Douglas, moved to amend the amendment proposed by the Committee of the Whole to section seven, by adding "which sum is subject to the order of the convention."

Adopted.

Question occurring on the adoption of the section as read,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Bates, Bowen, Brodhead, Burbank, Collier, Crowe, Davis, Goshen, Hanscom, Keeling, Lake, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Reck, Stewart and Stephenson.—24.

Nays—Messrs. Baker, Belden, Campbell, Hinsdale, Kennedy, Malcolm, Nuckolls of Richardson, Reynolds, Shields, Taffe and Tufts.—12.

So the section was

Adopted.

Section 8 read.

The amendment proposed by the Committee of the Whole, viz: In 2d and 3d lines, strike out the words "be at the time of the election a resident of this Territory and of the county and precinct or election district where he offers his vote," and insert the words "possess the qualifications of voters prescribed by the laws of this Territory;" and in the 4th line after the words "six months," insert the words "in this Territory and forty days," was

Adopted.

On motion,
The section as amended
Adopted.

Section 9 read, and

On motion of Mr. Kennedy of Douglas,
Adopted.

Section 10 read.

Mr. Bowen of Washington, moved to amend by striking out the words
"and for delegates" after the word "government," in the third line.

Lost.

Mr. Hanscom of Douglas, moved the adoption of the section as read.
Carried.

Section 11 read.

Mr. Kennedy of Douglas, moved to amend by striking out the word
"Secretary" in the second line, and inserting "Territorial Auditor;"
and striking out the word "Secretary" in the twelfth line, and inserting
the words "Territorial Auditor."

Mr. Hanscom of Douglas moved to reconsider the vote by which section
10 was adopted.

Carried.

Mr. Kennedy withdrew his motion to amend section 11.

Mr. Bowen of Washington, moved to amend section 10 by striking
out the words "and for delegates," after the word "government" in
the third line.

Carried.

Mr. Collier of Burt, moved to amend section 10 by striking out the
word "secretary" in fourth line.

Lost.

On motion, section 10

Adopted.

Section 11 read.

The following amendments, proposed by the Committee of the Whole,
to section 11, were

Adopted.

In the sixth line strike out the word "and" after the word "vote"
and insert "on;" in the 9th and 10th lines strike out the words "the
Governor, Chief Justice and Secretary," also the words "forthwith"
and insert the words "the contestants," and the words "in presence of
the canvassers," in the 5th and 6th lines, by striking out the words
"and if a majority of the votes on that question shall be in favor of
state government, he shall also," and insert in lieu thereof the words
"and as soon as the proclamation shall become known to the various
county clerks they shall proceed to canvass the vote for members of
said convention and shall;" amend the 11th line by striking out the word
"Governor" and inserting the words "county clerks."

Mr. Taffe of Dakota, moved to amend section 11 by adding thereto as
follows: "That if either the Governor, Chief Justice or Secretary fail
or neglect faithfully to fulfill the duties imposed by this act, he shall be

fined in any sum not exceeding \$5000, or imprisoned in the penitentiary not exceeding one year, or both."

Lost.

Mr. Latta of Cass, moved to amend section 11 by adding thereto after the word "secretary," in the second line, the words "and if it shall be found that a majority of all the votes cast shall be in favor of a state government."

Amendment adopted.

Mr. Campbell of Otoe, moved to reconsider the vote by which the House adopted the last amendment to section 11.

Lost.

Mr. Rogers of Dodge, moved to strike out the word "and." after the word "Secretary" in the third line of section 11.

Adopted.

On motion,

Section 11 as amended was

Adopted.

Section 12 read.

The following amendments, proposed by the Committee of the Whole, were

Adopted.

In the fifth line after the word "act" insert the words "and the judges and clerks of the last general election shall conduct the election herein provided for." In the sixth line, after the word "power," insert the words "in the case of vacancies," and strike out the word "three" and insert the words "one or more." In the seventh line, make "judge" read "judges;" in the eighth line, strike out the words "two persons to act as," and insert "in case of vacancy."

On motion,

The section as amended was

Adopted.

Section 13 read, and

On motion,

Adopted.

Mr. Nuckolls of Otoe, moved that the bill be engrossed for a third reading on to-morrow, or on the next day that the House may meet.

Carried.

Mr. Johnson of Douglas, moved that the House adjourn and stand adjourned until next Tuesday.

Ayes and nays demanded.

Motion withdrawn.

Mr. Reck of Platte, moved that 1000 copies of the bill on state organization, as amended, be printed.

Lost.

Mr. Hanscom of Douglas, moved that 500 copies be printed.

Mr. Noel of Nemaha, moved to lay the motion on the table.

Mr. Collier of Burt, moved that 100 copies be printed.

Carried.

On motion of Mr. Johnson of Douglas,
The House adjourned at 5 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 31st, 1859. }

The House met at 10 o'clock A. M. pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the journal of yesterday was read.

The following message was received from the Council:

COUNCIL CHAMBER,
December 31st, 1859. }

Mr. Speaker:

I have to inform your honorable body that the Council have passed

C. B. No. 58, "A joint resolution for the prohibition of slavery,"

And the concurrence of the House is respectfully requested therein.

And I herewith return you

H. F. No. 78, "A bill for an act legalizing the official acts of Abraham Towner;"

And

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city;"

The same having passed the Council without amendment.

I have also to inform you, that

H. F. No. 26, "A bill relating to questions reserved in the district courts,"

Has been indefinitely postponed.

S. M. CURRAN, Chief Clerk.

Journal of yesterday approved, when the following message was received from the Council:

COUNCIL CHAMBER,
December 31st, 1859. }

Mr. Speaker:

I have to inform your honorable body that the Council have passed

C. B. No. 14, "A bill for an act to regulate elections;"

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county;"

And

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska;"

C. B. No. 49, "An act authorizing Peter A. Sarpy to keep and run a ferry across the Loup Fork river in Monroe county;"

And respectfully request the concurrence of the House therein.

I have also to inform your honorable body, that the Council have concurred in the amendments of the House to

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company."

S. M. CURRAN, Chief Clerk.

The chairman of the Committee on Engrossed and Enrolled Bills, submitte the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills beg leave to report, that they have this day presented to the Governor for his approval:

"An act to legalize the acts of the corporate authorities of Nemaha city;"

And also,

"An act to establish a territorial road in Richardson and Pawnee counties;"

And

"Joint resolution and memorial to Congress praying for an appropriation to bridge the Loup fork of Platte river;"

"An act to locate a territorial road from Nebraska city, via Helena and Vesta in Johnson county, to Beatrice in Gage county;"

"An act to legalize the election and qualification of town officers of the town of Columbus in Platte county."

NOEL and REYNOLDS, Committee.

The following message was received from the Council:

COUNCIL CHAMBER,
December 31st, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body, that Messrs. Dundy and Little have been appointed a committee on the part of the Council, to act with a committee of the House to audit the accounts of the Treasurer of the Territory.

S. M. CURRAN, Chief Clerk.

The following report was submitted by the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills ask leave to report:

H. F. No. 86, "A bill for an act to incorporate the city of Arago in Richardson county;"

And also,

H. F. Nos. 63, 49, 100, 60, 84, 51;

And also,

"A supplement to an act entitled 'A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,' approved Nov. 1st, 1858;"

And also,

H. F. No. 62.

All of which are correctly engrossed.

NOEL and REYNOLDS, Committee.

Mr. Marquette of Cass, introduced

H. F. No. 140, "A bill for an act to re-enact, revise and collate certain acts and parts of acts in the Territory of Nebraska."

Read the first time.

Mr. Marquette moved that the rules be suspended and the bill by its title read the second time and referred to a select committee of three.

Division of the question called for.

Rules suspended and bill by its title read a second time.

Mr. Hanscom of Douglas, moved that the bill be referred to the Committee on Judiciary.

Lost.

Question occurring on the original motion to refer to a special committee of three, it was

Carried.

Speaker appointed Messrs. Marquette, Bowen and Campbell such committee.

Mr. Bowen of Washington, introduced

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Annie E. O'Neal and James D. H. O'Neal."

Read the first time.

On motion of Mr. Bowen,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

The following notices of bills were given:

By Mr. Brodhead of Otoe,

Of a bill relating to the charters of all suspended banks in this Territory.

By Mr. Collier of Burt,

Of a bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

C. B. No. 10, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected,"

Have had the same under consideration and have directed me to report the same back to the House without amendment and recommend its passage.

Also,

H. F. No. 106, "A bill for an act to erect a bridge across Salt creek,"

Which I am directed to report back to the House without recommendation.

JOHN C. CAMPBELL, Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 126, "A bill for an act authorizing Wm. Geo. Hollins and associates to keep and run a ferry across the Loup fork of the Platte river, at the mouth of Looking Glass creek,"

Having had the same under consideration, have instructed me to report the same back to the House with the following amendment, to wit: Strike out all after the words "Looking Glass creek," in the seventh line of section two, and insert "two miles," and recommend the passage of the bill as amended.

A. J. HANSCOM,
Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 136, "An act to incorporate the Omaha building and loan association;"

Having had the same under consideration, have instructed me to report the bill back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Tufts of L'ean-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 30, entitled "A bill for an act to organize and define the boundaries of Morton county in Nebraska Territory, and locate the county seat thereof;"

Also,

C. B. No. 42, entitled "A bill for an act to establish the county of Dawson and define its boundaries;"

Having had the same under consideration, report the bills back to the House without amendment and respectfully recommend their passage.

JAMES TUFTS, Chairman.

Mr. Reynolds of Otoe, chairman of the Committee on Public Schools, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 22, "A bill for an act to provide for the better regulation of schools in Nebraska;"

And

H. F. No. 94, "A bill for an act to establish the common school system in the Territory of Nebraska;"

And

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858;"

And

H. F. No. 33, "A bill for an act for the better regulation of common schools in Nebraska;"

H. F. No. 76, "A bill for an act to provide for the appointment of an agent or commissioner to select lands in lieu of those pre-empted on sections 16 and 36;"

Also,

Petition No. 4;

Having had the same under consideration, report them back to the House; and your committee ask further time till Tuesday next to prepare a substitute, and respectfully recommend that these bills and the substitute be made the special order for Tuesday next.

MILTON W. REYNOLDS,
R. C. BARNARD,
ALEXANDER BAIN,
DAVID S. COLLIER,
NATHAN MYERS.

B. B. No. 58, "Joint resolution to prohibit slavery in the Territory of Nebraska,"

Taken up, and

Read the first time.

Mr. Marquette of Cass, moved that the rules be suspended, and the bill by its title read the second time and referred to a special committee of three.

Upon which the ayes and nays were demanded.

Call of the House ordered.

Absent—Messrs. Arnott and Malcolm.

On motion of Mr. Tufts of L'eau-qui-Court,

All further proceedings under the call were dispensed with.

Mr. Campbell of Otoe, moved to strike out the preamble.

Declared out of order.

Question occurring on the original motion, and the ayes and nays being demanded, the vote stood as follows:

Ayes—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, Goshen, Hanscom, Lake, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Rogers, Reck, Shields, Stephenson, Stewart and Taffe.—21.

Nays—Messrs. Adams, Barnard, Bates, Belden, Brodhead, Campbell, Crowe, Hinsdale, Johnson, Keeling, Kennedy, Nuckolls of Richardson, Reynolds and Tufts.—14.

So the rules were suspended, and the bill by its title read a second time and referred to a select committee, the speaker appointing

Messrs. Marquette, Lake and Reynolds.

Mr. Campbell of Otoe, moved that the committee be instructed to report within one hour.

Carried.

Mr. Keeling of Nemaha, moved that the House adjourn for one hour, for the purpose of giving the committee time to report.

Lost.

Mr. Campbell of Otoe, moved to take a recess for half an hour.

Mr. Nuckolls of Otoe, moved to amend by inserting in lieu of "half an hour," "till Tuesday next."

Amendment lost.

Original motion withdrawn.

Mr. Hanscom of Douglas, moved that the committee have leave to sit during the session of the House.

Carried.

The following message was received from the Council:

COUNCIL CHAMBER,
December 31st, 1859. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

C. B. No. —, "An act to establish a ferry across the Missouri river in Richardson county."

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

C. B. No. 14, "A bill for an act to regulate elections,"

Read the first time, and

On motion of Mr. Reck of Platte,

The rules were suspended, and the bill by its title read a second time,

On motion of Mr. Collier of Burt,

Referred to the Committee on Ways and Means.

Mr. Belden of Douglas, moved that two hundred copies of the bill be printed.

Withdrawn.

H. F. No. 118, "A bill for an act to locate the county seat of Richardson county,"

Taken up, when,

Mr. Myers of Richardson, offered a substitute therefor.

Mr. Nuckolls of Richardson, moved that the original bill with the substitute be referred to the Committee on Boundaries and County Seats.

Lost.

Mr. Hanscom of Douglas, moved to postpone the further consideration of the bill and substitute until Tuesday next.

Mr. Bowen of Washington, moved to reconsider the vote by which the House refused to refer the bill and substitute to the Committee on Boundaries and County Seats.

Carried, and

On motion,

The bill and substitute was referred to the Committee on Boundaries and County Seats.

C. B. No. —, "A bill for an act to establish a ferry across the Missouri river in Richardson county,"

Taken up.

Read the first time.

On motion of Mr. Keeling of Nemaha,

The rules were suspended and the bill by its title read the second time and referred to the Committee on Corporations.

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county,"

Taken up.

Read the first time.

Mr. Tufts of L'eau-qui-Court, moved that the rules be suspended and the bill by its title read the second time and referred to the Committee on Boundaries and County Seats.

Mr. Taffe of Dakota, moved to amend the motion by instructing the committee to report a provision in said bill allowing the people to locate the county seat by vote.

Amendment

Lost.

Original motion

Carried.

The rules suspended, the bill by its title read the second time and referred to the Committee on Boundaries and County Seats.

C. B. No. 49, "A bill for an act authorizing Peter A. Sarpy to keep and run a ferry across the Loup Fork in Monroe county,"

Taken up.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

H. F. No. 27, "A bill for an act to regulate and establish the rate of interest on money and contracts,"

Taken up.

Mr. Marquette of Cass, moved that it be made the special order of the day for Tuesday next, in Committee of the Whole House.

Lost.

Mr. Taffe of Dakota, moved that the bill be indefinitely postponed.

Lost.

Mr. Hanscom of Douglas, moved to postpone until Friday next.

Lost.

Mr. Maxwell of Cass, moved that the House resolve itself into Committee of the Whole for the purpose of considering the bill.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Johnson, Keeling, Kennedy, Lake, Latta, Maxwell,

Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stephenson, Stewart and Taffe.—23.

Nays—Adams, Barnard, Bates, Belden, Brodhead, Hanscom, Hinsdale, Marquette, Rogers, Reck and Tufts.—11.

Carried.

The House now resolved itself into a Committee of the Whole, having under consideration

H. F. No. 27, "A bill for an act to regulate and establish the rate of interest on money and on contracts."

Mr. Maxwell of Cass in the chair.

The House having resumed business,

Mr. Maxwell, chairman from the Committee of the Whole, submitted the following report:

Mr. Speaker:

The Committee of the Whole having had under consideration

H. F. No. 27, "A bill for an act to regulate and establish the rate of interest on money and on contracts,"

Have substituted "fifteen" in place of "eighteen," in the 3d line of section 1st, and have directed me to report the bill back to the House with the above amendment, and recommend its passage.

SAMUEL MAXWELL, Chairman.

Mr. Nuckolls of Otoe, moved that the bill be read the third time and put upon its passage.

Mr. Hanscom of Douglas, moved to adjourn until Tuesday morning next.

Lost.

When Mr. Davis of Cass, called the previous question.

Withdrawn.

Mr. Collier of Burt, moved to add a new section, as follows:

Bounty land warrants issued by the United States for military or other service, shall not be loaned at a higher value or rate than the price per acre established by acts of Congress for public lands; and whenever it shall appear in any civil action to foreclose a mortgage or recover upon any security, that the same was given for a land warrant or warrants, the plaintiff shall not recover more than the above value or rate, together with interest thereon according to the provisions of this act, and the defendant shall recover costs.

Upon which, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bates, Belden, Burbank, Brodhead, Collier, Hanscom, Kennedy, Lake, Rogers, Taffe and Tufts.—11.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Campbell, Crowe, Davis, Goshen, Hinsdale, Johnson, Keeling, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stephenson and Stewart.—25.

So the motion to amend was

Lost.

Mr. Hanscom of Douglas, moved that the bill be postponed until Wednesday next.

Lost.

Mr. Brodhead of Otoe, moved that the bill be indefinitely postponed.

Upon which, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnard, Bates, Belden, Brodhead, Collier, Crowe, Hanscom, Kennedy, Lake, Nuckolls of Richardson, Rogers, Stewart, Taffe and Tufts.—14.

Nays—Messrs. Adams, Arnott, Bain, Baker, Bowen, Burbank, Campbell, Davis, Goshen, Hinsdale, Johnson, Keeling, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Reck, Reynolds, Shields and Stephenson.—22.

So the motion to indefinitely postpone, was

Lost.

Mr. Hanscom of Douglas, moved to amend by striking out "eighteen dollars," in the 4th line, and insert "eight dollars."

Withdrawn.

Mr. Latta of Cass, moved to strike out "eighteen dollars," and insert "fifteen dollars."

Withdrawn.

Mr. Hanscom of Douglas, moved that the bill be engrossed.

Mr. Bowen of Washington, moved to amend the motion as follows: that the bill be engrossed and read the third time to-morrow.

Lost.

Mr. Latta of Cass, moved that the bill be put upon its passage, and upon that called the previous question.

Declared out of order.

Mr. Hanscom of Douglas, moved that the House adjourn, and stand adjourned until Tuesday next at 10 o'clock A. M.

Lost.

Mr. Lake of Douglas, moved to adjourn.

Lost.

Mr. Campbell of Otoe, moved that the bill be read a third time.

Mr. Hanscom of Douglas, moved to amend by striking out sections 7 and 8.

Lost.

Question occurring on the motion to read a third time, it was

Carried.

Bill read the third time.

Passed and title agreed to.

Mr. Barnard of Hall, on leave, introduced

H. F. No. 142, "A bill for an act to incorporate the Loup Fork bridge company at Columbus."

On motion of Mr. Barnard,

The rules were suspended, and the bill by its title read the first and second time and referred to the Committee on Corporations.

Tuesday, January 3d, 1860.

Mr. Hanscom of Douglas, moved that Mr. Taffe of Dakota have leave to submit such papers to the Committee on Privileges and Elections as he pleased.

Carried.

Mr. Collier of Burt, moved to adjourn until Tuesday next at 3 o'clock P. M.

Lost.

On motion of Mr. Nuckolls of Otoe,
The House adjourned at 4½ o'clock P. M., until the usual hour Tuesday next.

HOUSE OF REPRESENTATIVES,
Tuesday, January 3d, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of Saturday was read, and approved.

Mr. Reck of Platte, on leave, introduced

H. F. No. 143, "A bill for an act to incorporate the university at Columbus in Platte county."

Read the first time.

On motion of Mr. Reck,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

Mr. Reynolds of Otoe, on leave, introduced

H. F. No. 144, "A bill for an act to incorporate the Johnson county agricultural, literary and library association."

Read the first time.

On motion of Mr. Reynolds,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

Mr. Belden of Douglas, on leave, introduced

H. F. No. 145, "A bill for an act to amend the code of civil procedure and to provide for the stay of executions in district courts."

Read the first time.

Mr. Campbell of Otoe, moved that 100 copies of the bill be printed.

Carried.

Mr. Malcolm of Douglas, presented a petition of the citizens of Buffalo county praying for the passage of an act relative to the dividing of Buffalo county.

Which was read, and

On motion,

Referred to the Committee on Boundaries and County Seats.

Mr. Crowe of Nemaha, on leave, introduced

Tuesday, January 3d, 1860.

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H. F. No. 146, "A bill for an act to encourage agriculture and the mechanic arts in Nemaha county."

Read the first time, and

On motion,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Agriculture.

Mr. Davis of Cass, presented a petition of the citizens of Cass, relative to the relocation of the county seat thereof.

Which was read, and

On motion of Mr. Davis,

Referred to the Committee on Boundaries and County Seats.

Mr. Belden of Douglas, from special committee, submitted the following majority report:

Mr. Speaker:

The undersigned, a majority of your special committee, to whom was referred

H. F. No. 125, entitled "An act to amend the charter of the city of Omaha,"

Having had the same under consideration, beg leave to report the bill back to the House with certain amendments therein set forth, and most respectfully recommend its passage.

D. D. BELDEN,

A. J. HANSCOM.

Mr. Marquette of Cass, from special committee, submitted the following majority report:

Mr. Speaker:

A majority of your committee, to whom was referred C. B. No. 58, having had the same under consideration, would beg leave to submit the following report:

That the bill be amended as follows:

Striking out in the title the words "joint resolution" and insert "a bill for an act," and likewise add the following: "Section 2d. This act to take effect and be in force from and after its passage." Those amendments are to be seen on the face of the bill; they need no comments. The question, disguise it as you will, which is involved in this bill, is the great question of the age. Our entire Union is divided into two great parties on this question; one party struggles ever to uphold the principles of this bill, the other labors as earnestly for its overthrow, and we are now called to take one side or the other of this great question.

The power to prohibit, in the opinion of the majority of your committee, is conferred on us by our organic act, and, by this measure, the opportunity is given to us to test our fidelity to the freedom, and opposition to the extension of slavery.

The opponents of this measure have not a single reason to advance why this bill should not pass; they put forth, however, some excuses for opposing it. They come forth with the miserable plea that they are

opposed to blotting our statute books with useless legislation. Sir, this is not so much a plea against this law as it is in favor of blotting our Territory with slavery.

They say that slavery does not exist here, and that this measure is useless. This excuse will not now hold good, for a President's message has just reached us in which it is declared, and in this opinion he is backed with a powerful party, that men have the right to bring slaves here and to hold them as such, and that this is slave territory.

We, it is true, may not be of the opinion that this doctrine is true, but, sir, if men declare that they have a right to make this a slave Territory, shall we not prohibit them in this act, and prevent the wrong they would do us? If the friends of slavery insist that they have a right to hold slaves here, shall we tamely submit to it? If they insist on making this a slave Territory, which they do, shall we not insist that it shall be forever free?

With the amendments proposed, a majority of your committee would report the bill back to the House and earnestly recommend its passage.

All of which is respectfully submitted.

T. M. MARQUETTE,
GEORGE B. LAKE.

Mr. Reynolds of Otoe, from special committee, submitted the following minority report:

Mr. Speaker:

The undersigned, a minority of your committee, to whom was referred C. B. No. 58, entitled "Joint resolution for the prohibition of slavery,"

Respectfully dissents from the amendments proposed by a majority of your committee, for the following reasons:

The amendments and addition of section 2 make the bill or joint resolution a solemn enactment for the prohibition of the pretended or imaginary evil that has no existence, in the opinion of the undersigned, either in *law* or in *fact* in this Territory, there being no law of the Territorial Legislature establishing it.

Slavery has no existence here, and certainly the undersigned is not willing, directly or by implication, to recognize, as he surely would did he give his sanction to a solemn enactment upon the subject, that the constitution of the United States has carried slavery into this Territory. If by the provisions of that sacred instrument it has an existence here, so far from abolishing or prohibiting it, it is our sworn duty to throw around the institution all the safe guards, protection, aid and encouragement that we, in our legislative capacity, can afford, and to establish or create laws for the regulation or prohibition of slavery assuredly assumes its existence.

Should the Legislative Assembly of Nebraska create laws for the regulation or prohibition of the sale of intoxicating liquors in this Territory, certainly the assembly would recognize and acknowledge that liquors were sold here, else they would be guilty of legislative folly, and a wanton abuse and consumption of time to no purpose.

Making laws for the regulation or prohibition of slavery recognizes

its existence, else the legislature creating them is guilty of a wanton abuse and consumption of time to no purpose.

The undersigned considers the joint resolution as passed by the Council, quite, if not altogether, in the light of a declaration merely of uncompromising hostility and enmity to a contingent or future existence of slavery in Nebraska. As such he believes it affects the wishes and sentiments of ninety-nine one-hundredths of the people here, and surely represents the position of the democracy of the Territory upon the subject beyond equivocation, beyond question, and beyond misrepresentation. He, therefore, earnestly recommends that the joint resolution should pass as reported from the Council.

Further, the undersigned would remind your honorable body, that much time has already been consumed to no purpose, in the consideration of the slavery question, in the many protean shapes and forms it has protruded itself upon our notice during the present session. The undersigned fears, that if the amendments of the majority of your committee shall be adopted by the House, much more of the time that should be devoted to useful legislation will be spent in the other house, in the consideration of those amendments, and the result will be continued agitation and distraction. For this additional reason, the minority of your committee recommends the passage of the joint resolution without amendment.

MILTON W. REYNOLDS.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred.

C. B. No. 32, entitled "An act to organize and define the boundaries of Wilson county, Nebraska Territory, and locate the county seat thereof;"

Also,

C. B. No. 34, "An act to define the boundaries and locate the seat of justice of Shorter county;"

Have had the same under consideration, beg leave to report the bills back to the House without amendment and recommend their passage.

JAMES TUFTS, Chairman.

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska,"

Taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Agriculture.

C. B. No. 30, "A bill for an act to organize and define the boundaries of Morton county, and locate the county seat thereof,"

Taken up.

Read the third time.

Bill put upon its passage.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Belden, Bowen, Brodhead, Campbell, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Lake, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stephenson, Stewart and Tufts.—24.

Nays—Messrs. Bain, Baker, Burbank, Collier, Davis, Latta, Maxwell, Marquette, Myers and Rogers.—10.

So the bill was

Passed and title agreed to.

The following report was submitted by the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Correctly engrossed.

NOEL & REYNOLDS,
Committee.

C. B. No. 34, "A bill for an act to organize and define the boundaries and locate the seat of justice of Shorter county,"

Taken up.

Mr. Maxwell of Cass, moved to recommit the bill to the Committee on Boundaries and County Seats, with instruction to report the facts therein, demanding organization.

Lost.

Mr. Rogers of Dodge, moved to recommit the bill to the committee with instructions to report a substitute, incorporating a provision therein providing for the location of the county seat by a vote of the people.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Belden, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Hinsdale, Keeling, Lake, Latta, Marquette, Maxwell, Myers, Noel, Rogers, Reck, Stephenson and Taffe.—21.

Nays—Messrs. Adams, Arnott, Barnard, Brodhead, Campbell, Hanscom, Johnson, Malcolm, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stewart and Tufts.—14.

So the bill was recommitted.

C. B. No. 29, "A bill for an act to incorporate the South Pass bridge company,"

Taken up.

On motion of Mr. Johnson of Douglas,

The bill was recommitted to the committee with instructions to report a substitute.

C. B. No. 32, "A bill for an act to organize and define the boundaries

of Wilson county, Nebraska Territory, and locate the county seat thereof.

Taken up.

Mr. Marquette of Cass, moved to recommit the bill with instructions to report a provision, allowing the people to locate their own county seat.

Call of the House ordered.

Absent—Messrs. Bates and Kennedy.

On motion,

All further proceedings under the call were dispensed with.

Motion to recommit

Withdrawn.

Mr. Taffe of Dakota, moved to strike out section four.

Carried.

On motion of Mr. Hanscom of Douglas,

The bill was read the third time.

Mr. Hanscom of Douglas, moved to amend the title by striking out "and locate the county seat thereof."

Adopted.

Bill put upon its passage.

Passed, and

On motion,

Title agreed to.

Mr. Tufts of L'eau qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker.

Your committee, to whom was recommitted

C. B. No. 34, entitled "An act to organize and define the boundaries of Shorter county,"

Having had the same under consideration, beg leave to report the same back to the House, recommending its passage with the following amendment, viz: Strike out section 2 and insert in lieu thereof the following:

"Section 2d. The seat of justice of said Shorter county shall be located by the people.

JAMES TUFTS, Ch'n. of Com.

Mr. Reynolds of Otoe, chairman of the Committee of Public Schools, submitted the following report:

Mr. Speaker:

Your Committee on Public Schools, further report a bill as a substitute for the several bills referred to the committee, and state in explanation, that the substitute is a transcript of the Council Bill No. 22, together with some additional sections, changing the time assessments are to be returned and settlements made, to accord with amendments to the revenue law already considered in the House.

Your committee have seriously considered the propriety of recommending the repeal of the present law, and the enactment of a law

similar in its provisions to the bill so carefully prepared by the Committee on Public Schools of the last House of Representatives, and which passed that House, and have been deterred from so doing only by the fact, that in different portions of the Territory organizations are made under the present law, and your committee apprehend that great confusion might arise from its repeal; they, therefore, recommend that the substitute containing the amendments adopted in the Council may be adopted in the House, believing that the present law will become more perfect in its operation with the increasing population of the Territory.

And further, your committee recommend that the salary of the Commissioner should be reduced to five hundred dollars, or that the office should be abolished, and the duties imposed on the Librarian or some other officer of the Territory, until such time as the labors of the office are materially increased.

MILTON W. REYNOLDS,
DAVID S. COLLIER,
A. BAIN,
N. MYERS,
R. C. BARNARD.

The majority of your committee also recommend, that as an amendment, the word "white" be inserted before the word "youth," in section sixty (60) of the act approved Nov. 4th, 1858.

C. B. No. 34, "A bill for an act to organize and define the boundaries of Shorter county,"

Taken up.

Mr. Hanscom of Douglas, moved to strike out section 2 and section 4. Carried.

Bill read a third time.

Passed and title agreed to.

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries,"

Taken up.

Mr. Hanscom of Douglas, moved to insert "J. S." before the word "Dawson."

Withdrawn.

Mr. Nuckolls of Otoe, moved that the bill be recommitted to the Committee on Boundaries and County Seats, with instructions to insert the name of "Campbell" in lieu of "Dawson."

Mr. Kennedy of Douglas, moved to strike out "Dawson" and insert "Brodhead."

Lost.

Mr. Hanscom of Douglas, moved to strike out the word "Dawson" and insert "Nuckolls."

Withdrawn.

Question occurring on the original motion to recommit with instructions, it was

Carried.

C. B. No. 10, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected,"

Taken up.

Read the third time.

Passed, and

On motion,

Title agreed to.

C. B. No. 58, "Joint resolution for the prohibition of slavery,"

Taken up.

Mr. Johnson of Douglas, moved that the House resolve itself into Committee of the Whole, for the purpose of considering the bill.

Lost.

On motion of Mr. Marquette of Cass,

The amendment proposed by the committee, to strike out "Joint resolution" and insert "Bill for an act," was

Adopted.

Amendment proposed by the committee, to add "Section 2d. This act shall be in force and take effect from and after its passage," being under consideration,

Mr. Collier of Burt, moved to amend the amendment by adding "from and after the first day of July, A. D. 1860."

Amendment to the amendment

Accepted.

Amendment as amended

Adopted.

Mr. Collier of Burt, moved to amend by striking out the words "seem to," in the preamble.

Lost.

Mr. Kennedy of Douglas, moved to amend by striking out in the preamble, all before the word "may," and insert the following: "Whereas certain Republicans have a fear that slavery or involuntary servitude."

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Belden, Brodhead, Hinsdale, Johnson, Kennedy, Malcolm, Noel, Nuckolls of Otoe, Reynolds, Shields and Tufts.—14.

Nays—Messrs. Bain, Baker, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Keeling, Lake, Latta, Marquette, Maxwell, Myers, Nuckolls of Richardson, Rogers, Reck, Stephenson, Stewart and Taffe.—22.

So the motion to amend was

Lost.

Mr. Davis of Cass, moved to amend by striking out the preamble.

Mr. Taffe of Dakota moved to amend the amendment by striking out all before the words "be it enacted."

Amendment to the amendment

Accepted.

Ayes and nays demanded upon the adoption of the amendment as amended, with the following result:

Ayes—Messrs. Baker, Burbank, Brodhead, Collier, Davis, Latta, Marquette, Maxwell, Myers, Rogers, Reck, Stephenson and Taffe.—13.

Nays—Messrs. Adams, Arnott, Barnard, Belden, Bowen, Campbell, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stewart and Tufts.—23.

So the amendment as amended was

Lost.

Mr. Hanscom of Douglas, moved to strike out "disunion" and insert "dissension."

Lost.

Mr. Brodhead of Otoe, moved to amend by striking out the words "forever prohibited," and insert the words "is hereby abolished."

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnard, Brodhead and Hinsdale.—3.

Nays—Messrs. Adams, Arnott, Bain, Baker, Belden, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Reck, Reynolds, Shields, Stephenson, Stewart, Taffe and Tufts.—33.

So the motion to amend was

Lost.

Mr. Reynolds of Otoe, moved to amend the preamble by striking out the word "unpleasant" and insert in lieu thereof "agitating."

Lost.

Mr. Reynolds moved to amend the preamble by striking out the word "fruitful" and the word "productive."

Lost.

Mr. Reynolds of Otoe, moved to amend by adding another section, viz: "Prohibiting the settling of free negroes in this Territory."

Declared out of order.

Mr. Noel of Nemaha, moved to amend by striking out in second line the word "may" and insert the words "will not."

Lost.

Mr. Collier of Burt, moved that the bill be read the third time and put upon its passage, and upon that called the previous question.

Call of the House ordered.

Mr. Bates absent.

On motion of Mr. Hanscom of Douglas,
All further proceedings under call were dispensed with.

Mr. Kennedy of Douglas, moved to adjourn.

Lost.

Mr. Johnson of Douglas, moved to lay the whole subject matter on the table.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Belden, Brodhead, Johnson, Kennedy, Malcolm, Nuckolls of Otoe, Reynolds, Shields and Tufts.—9.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Hinsdale, Keeling, Lake, Latta, Marquette, Maxwell, Myers, Noel, Nuckolls of Richardson, Rogers, Reck, Stephenson, Stewart and Taffe.—27.

So the motion to lay on the table, was

Lost.

Mr. Reynolds of Otoe, moved to adjourn.

Lost.

The question being, "shall the main question be put?" it was

Carried.

The question then being, "shall the bill be read the third time?" it was

Carried.

And the bill was read the third time.

The question then being on the passage of the bill, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Hanscom, Lake, Latta, Marquette, Maxwell, Myers, Rogers, Reck, Stephenson, Stewart and Taffe.—19.

Nays—Messrs. Adams, Arnott, Barnard, Belden, Brodhead, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields and Tufts.—17.

So the bill was

Passed.

The title was agreed to.

The following message was received from the Governor through the hands of his Private Secretary:

EXECUTIVE CHAMBER,
Omaha, January 3d, 1860. }

To the House of Representatives:

Mr. Speaker:

I am directed by the Governor to inform your honorable body, that he has signed and approved the following bills, viz:

"An act to legalize the acts of the corporate authorities of Nemaha city;"

"An act to legalize the election and qualification of the town officers of the town of Columbus in Platte county;"

"An act to locate a territorial road from Nebraska city, via Helena and Vesta in Johnson county, to Beatrice in Gage county;"

"An act to establish a territorial road in Pawnee and Richardson counties."

Also,

"A joint resolution and memorial asking an appropriation to construct a bridge over the Loup Fork river."

Tuesday, January 3d, 1860.

Also, to announce to your honorable body the following message, and return to you

"A bill for an act to repeal 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

JOHN MCCONNIE,
Private Secretary.

*To the Honorable the House of Representatives
of the Territory of Nebraska:*

I return with my objections

H. B. No. 28, being "An act to repeal 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

The act of March 2d, 1855, conferred on the grantee of the franchise the exclusive privilege of keeping a ferry on the Missouri river, for the purpose of crossing the same at Nebraska city in the county of Pierce, in the Territory of Nebraska; the grant was for ten years. Several preliminary conditions were attached to the grant, all of which it was necessary should be performed before the right of keeping the ferry accrued to the grantee. It is quite enough to state one of them, to wit: That said Boulware, before he shall be permitted to receive ferriages for persons and property transported across said ferry, shall pay or cause to be paid into the treasury of the county in which the same is located, the sum of thirty dollars per annum, which shall be applied to the use of the common schools therein.

The act now returned does not furnish me with any information as to whether the conditions, in whole or in part, have been complied with, but it asserts the broad right of the Legislature to repeal the law of March 2d, 1855. If the grant is anything it is a grant for a valuable consideration, and, consequently, a contract, and the Legislature possesses no power to repeal or set it aside. It is a contract, on the faith of which it is presumed all parties interested have acted for four years.

"The rights and franchises granted to the said Boulware, by virtue of this act, shall inure to his sole benefit exclusively during the period mentioned in the first section, and in case of his death before the expiration thereof, to his legal representatives, subject to the requirements and conditions of this act."

"The franchise hereby conferred shall be subject to forfeiture, according to the principles of the common law, anything in this act to the contrary notwithstanding."

These are parts of the legislative stipulations and enter into the contract; they are of its very essence.

I can not do better than adopt the language of Chief Justice Marshall and apply it to the present case. "This is a contract, the obligation of which can not be impaired without violating the Constitution of the United States" (*Dartmouth College vs. Woodward*, 4th Wheaton, 650).

In contemplation of law the grant of a franchise is just the same as a grant of property, in the strict sense of the term, and is just as much beyond the control of the granting power (see same opinion, page 696).

To forfeit or take away a franchise like this does not belong to the

Legislature, but is for the courts to justify the taking of vested rights. There must be a forfeiture, to adjudge upon and declare which is the proper province of the judiciary.

These are principles of the common law, by which the Legislature, in this very grant, has agreed to be bound. The whole law applicable to your power, as a legislative body, to forfeit, transfer or take away the franchise granted by the act of 1855, is so fully and clearly laid down by the Supreme Court of the United States, not only in the case I have quoted but in others of equal force, such as *Perry vs. Taylor*, 9th Cranch, page 50, that I do not consider it necessary to say one word more except that the acts to which I refuse my assent is plainly in conflict with the Constitution. While I am compelled to dissent from your view of the power possessed by the Legislative Assembly to repeal and annul this special privilege, I am encouraged to hope that you have set your faces against the lavish grants of chartered privileges and special franchise for a few at the expense of the many.

SAM'L W. BLACK.

Executive Chamber, Omaha, January 3, 1860.

The following message was received from the Council:

COUNCIL CHAMBER,
January 3d, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed the following bills and respectfully request the concurrence of the House therein:

C. B. No. 65, "A bill to legalize the acts of the corporate authorities of the city of St. Helena;"

C. B. No. 46, "An act to establish a ferry across the Great Nemaha river in Richardson county;"

C. B. No. 59, "A bill for an act to incorporate the Omaha savings institution;"

C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case;"

C. B. No. 38, "Joint memorial and resolution to the Congress of the United States for a penitentiary."

I also return to your honorable body

H. F. No. 54, "An act to authorize Silas Babcock to construct a mill dam across Long Branch."

The same having passed the Council without amendment.

I also return to you

H. F. No. 180, "A bill for an act to fix the time for holding the district courts in the counties comprising the second judicial district."

The same having passed the Council with the following amendments:

In the 1st section, 17th line, strike out the words "first Tuesday" and insert "second Monday." In the 28th line, strike out the words "first Tuesday" and insert "second Monday." In the 2d section, between the words "courts" and "under," insert the words "where

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service of process has been made as directed by law, either personally or by publication."

I also return you

H. F. No. 20, "An act to incorporate a seminary at Peru."

The same having passed the Council with the amendments thereto attached, and the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

The undersigned committee, to whom was referred matters relating to the removal of the county seat of Richardson county, would beg leave to report: That we have just received a petition from a large majority of the voters of said Richardson county, praying your honorable body to have the county seat question decided by a majority vote. In accordance with the petition, the undersigned ask leave to report a substitute which gives the citizens of Richardson county the authority to locate their county seat by a direct vote of the people.

The committee also beg leave to respectfully submit the aforesaid petition.

JAMES TUFTS,
HOUSTON NUCKOLLS,
JAMES S. STEWART,
CHAS. A. GOSHEN.

Mr. Nuckolls of Richardson, moved that the substitute be adopted.

On motion of Mr. Burbank of Richardson,

The substitute was referred to a special committee of three.

Messrs. Bowen, Nuckolls of Otoe, and Goshen, appointed such committee.

H. F. No. 29, "A bill for an act to locate a territorial road from Decatur to De Soto,"

Taken up.

Mr. Collier of Burt, moved to amend as follows:

"Sec. 9. Nothing herein contained shall be so construed as to compel the erection of a bridge over Fish creek in Washington county at the point where said road shall cross the said creek, at an earlier period than the erection of such a bridge shall be necessary and important for the convenience and interest of the people of said county."

And to amend the last section by changing the number from section 9 to section 10.

Amendment adopted.

Bill ordered engrossed for a third reading.

Mr. Hanscom of Douglas, moved for a reconsideration of the vote by which the House referred the bill to relocate the county seat of Richardson county to a special committee.

Upon which the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Arnott, Barnard, Belden, Brodhead, Campbell, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Noel, Nuckolls of Richardson, Shields, Stewart and Tufts—18.

Nays—Messrs. Bain, Baker, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Latta, Marquette, Maxwell, Nuckolls of Otoe, Rogers, Reck and Stephenson.—15.

So the vote was reconsidered, and the bill again taken up.

Mr. Hanscom of Douglas, moved that the further consideration of the bill be postponed until to-morrow.

Carried.

Mr. Davis of Cass, moved to take a recess until 3½ o'clock P. M.

Lost.

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association,"

Taken up, and

On motion

Ordered engrossed for a third reading on to-morrow.

Mr. Kennedy of Douglas, offered the following:

Resolved, That his excellency, R. W. Steel, Provisional Governor of the state of Jefferson, be invited to take a seat within the bar of this House at pleasure.

Adopted.

On motion of Mr. Belden of Douglas,

H. F. No. 145, "A bill for an act to amend the Code of Civil Procedure and to provide for the stay of executions in the district courts,"

Was read the second time and referred to the Committee on Judiciary.

H. F. No. 86, "A bill for an act to incorporate the town of Arago, Richardson county,"

Taken up.

Bill by its title read the third time.

Passed and title agreed to.

On motion of Mr. Nuckolls of Otoe,

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Was taken up.

Mr. Johnson of Douglas, moved to amend section 7 by striking out "\$3000" and inserting "\$600."

Lost.

Mr. Baker of Nemaha, moved to recommit the bill to a select committee of five with instructions to amend the bill so as to allow to the counties of Richardson, Nemaha, Otoe, Cass, Pawnee, Johnson, Gage and Jones, two more delegates to the constitutional convention, and take the same from the other counties having more than the ratio of apportionment entitles them to have.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Burbank, Bowen, Collier, Davis, Goshen,

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Latta, Marquette, Maxwell, Noel, Rogers, Reck, Stephenson and Taffe.—15.

Nays—Messrs. Adams, Arnott, Barnard, Belden, Campbell, Crowe, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Lake, Malcolm, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stewart and Tufts.—20.

So the motion to recommit was

Lost.

Mr. Brodhead of Otoe, moved to amend by striking out the words "to act as."

Carried.

Mr. Kennedy of Douglas, asked leave to amend by striking out, in section 7, the words "\$3000" and insert "\$400."

Granted.

Bill read the third time.

Ayes and nays demanded upon its passage with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Barnard, Belden, Bowen, Brodhead, Campbell, Cröwe, Davis, Goshen, Hanscom, Keeling, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe and Reynolds.—22.

Nays—Messrs. Baker, Burbank, Collier, Hinsdale, Johnson, Kennedy, Nuckolls of Richardson, Rogers, Reck, Shields, Stephenson, Stewart, Taffe and Tufts.—14.

So the bill was

Passed.

The title was agreed to.

H. F. No. 49, "A bill for an act to provide for the erection of a jail in Otoe county,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved to adjourn.

Carried.

House adjourned, at 3 o'clock P. M.

HOUSE OF REPRESENTATIVES,

Wednesday, January 4th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday was read, and approved.

Mr. Tufts of L'eau-qui-Court, presented a petition of the citizens of

Dixon county for an act to restrain sheep and swine from running at large in said county, which was read, and

On motion,

Referred to the Committee on Agriculture.

On motion of Mr. Keeling of Nemaha,

Leave of absence was granted to Mr. Noel for the day.

The following message was received from the Council:

COUNCIL CHAMBER,
January 4th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed the following bills, and respectfully request the concurrence of the House therein:

"Joint resolution relative to slavery;"

C. B. No. 55, "An act to amend an act entitled 'An act to incorporate the city of Fort Calhoun, Nebraska;'"

C. B. No. 61, "An act to incorporate Platte city in Morton county, Nebraska Territory;"

C. B. No. 63, "A bill to locate and establish a territorial road from Ionia to Fontenelle;"

C. B. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county, N. T."

I also return to your honorable body

H. F. No. 45, "A bill for an act to authorize Thomas Patterson, William H. Spratlen and G. E. Fleming to keep a ferry across the Missouri river at Rock Bluffs city;"

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company;"

H. F. No. 135, "An act to authorize James McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county, N. T."

The same having passed the Council without amendment.

I have also to inform your honorable body, that

H. F. No. 75, "A bill to provide for the erection of a bridge across Black Bird creek,"

Has been postponed by the Council until the first day of February next.
S. M. CURRAN, Chief Clerk.

Mr. Reck of Platte, on leave, introduced

H. F. No. 147, "A bill for an act relative to the holding of courts in Platte county."

Read the first time.

On motion of Mr. Reck,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Judiciary.

Mr. Shields of Sarpy, introduced

H. F. No. 148, "Memorial and joint resolution for a mail route from Bellevue to Elkhorn city."

Read the first time.

On motion of Mr. Shields,
The rules were suspended, and the bill by its title read the second time and referred to the Committee on Federal Relations.

The following message was received from the Council:

COUNCIL CHAMBER,
January 4th, 1860. }

Mr. Speaker:

I have to inform your honorable body, that the Council have passed C. B. No. 76, "A bill for an act entitled 'An act to incorporate the Brownville lyceum, library and literary association,'"

And respectfully request the concurrence of your honorable body therein.
S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 158, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,' approved January 26, 1856."

Having had the same under consideration, beg leave to report the bill back to the House with the following amendment, the same being added to section two of said act, to wit: "Provided that the provisions of this act shall not apply to, or in any manner affect those counties in which the county seat has been located by a direct vote of the people;" and recommend its passage as amended. JAMES TUFTS, Chairman.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 82, entitled "An act to attach part of Monroe county to Platte county,"

Having had the same under consideration, beg leave to report the bill back to the House with the accompanying substitute, and your committee would respectfully recommend the passage of the substitute.

JAMES TUFTS, Chairman.

Mr. Nuckolls of Otoe, from the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your committee beg leave to report

H. F. No. 29, "A bill for an act to locate a Territorial road from Decatur to De Soto,"

Correctly engrossed.

J. NOEL,
M. W. REYNOLDS.

Committee on Roads introduced

H. F. No. 149, "A bill for an act supplemental to 'An act for locating, opening and repairing county roads,' approved Oct. 29, 1858."

Read the first time.

Mr. Barnard of Hall, introduced

H. F. No. 150, "A bill for an act to authorize Daniel B. Crocker and Henry Peck to keep and run a ferry across the Platte river; at the mouth of Wood river."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

Mr. Kennedy of Douglas, introduced

H. F. No. 151, "A bill for an act relative to binding and preserving newspapers and other documents in the Territorial library."

Read the first time.

On motion of Mr. Kennedy,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Ways and Means.

Mr. Maxwell of Cass, moved that a committee of three be appointed to confer with Governor Steele of Jefferson, and ascertain from him the expediency of organizing counties on the western frontier of Nebraska, and such topographical information as may be of interest to this House.

Carried.

Speaker appointed Messrs. Maxwell, Myers and Tufts such committee.

Mr. Collier of Burt, introduced

H. F. No. 152, "A bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point."

Read the first time.

On motion of Mr. Collier,

The rules were suspended and the bill by its title read the second time and referred to the Committee on Corporations.

H. F. No. 30, "A bill for an act for the relief of insolvent debtors."

Taken up, and

On motion of Mr. Hanscom of Douglas,

The bill was indefinitely postponed.

H. F. No. 60, "A bill for an act entitled 'An act to fix the time for holding the district courts in the first judicial district.'"

Read the third time.

Ayes and nays demanded upon its passage, when the vote stood as follows:

Ayes—Messrs. Arnott, Belden, Brodhead, Campbell, Collier, Lake, Marquette, Reck, Shields Stewart and Tufts.—11.

Nays—Messrs. Adams, Bain, Baker, Barnard, Bates, Bowen, Crowe, Davis, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Latta, Malcolm, Maxwell, Myers, Stephenson and Taffe.—20.

Mr. Bowen of Washington, offered the following:

Resolved, That the Clerk of the House be instructed to procure a copy of the report of the president of the Territorial agricultural society, just submitted to the Council, and that 500 copies of the same be printed for the use of this House.

Carried.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to which was referred

C. B. No. 14, "An act to regulate elections."

Having had the bill under consideration, respectfully report the same back to the House with the following amendments, and recommend its passage as amended:

In section 1, 3d line, after the word "election" insert the words "for delegate to Congress." 6th line, before the word "members" insert the words "delegate to Congress and."

Section 2, 1st line, strike out the words "delegate to Congress." 11th and 12th lines, strike out the words "two justices and two constables for each precinct." 17th and 18th lines, strike out the words "and one supervisor for every road district in each organized county."

Strike out sections 4, 5 and 6.

Section 8, 1st and 2d lines, strike out the words "at nine" and insert the words "between the hours of eight and ten."

Section 9, 3d line, after the word "immediately" insert the words "if there be no challenge."

Section 10, 2d line, make "obtain" read "obtained." 10th line, strike out the words "previous to" and insert the words "next preceding." 11th line, strike out the word "all" and insert the word "any;" and change the word "elections" to "election."

Section 11, 7th line, before the words "United States" insert the word "the." 8th line, after the word "oath" insert the words "in accordance with the naturalization laws and before a court of competent jurisdiction." 13th line, strike out the word "county" and insert the word "territory." 16th line, at the end of section add the words, "but the legality of such vote may be examined before a contest board, or the district court upon appeal."

Section 12, 2d line, before the word "guilty" insert the word "deemed."

Between sections 12 and 13, insert the following as a new section:

"Each clerk shall keep a list of the names of all the persons offering to vote at the election, numbered in order as they present their votes; and shall write in the margin opposite to their respective names, when challenged, the word 'sworn,' 'vote rejected,' or other words showing the proceedings had in each case; and the said list shall be attested by the signatures of said clerks. The poll books shall, in addition to said list, contain or have attached thereto the written oaths of the officers conducting the election, and the tally list of the count of votes cast for the respective persons and officers voted for, together with a full and fair return of the votes cast for each as provided in the next section."

Section 13, 12th and 13th lines, strike out the words "A B ——— had — votes for sheriff (or other officer as the case may be)," and insert the following: "for sheriff (or other officer as the case may be), A B had — votes, C D had — votes."

Section 14, 1st line, strike out the word "canvass" and insert "election. 3d line, before the word "delivered" insert the words "securely enclosed in a package sealed up and."

Section 16, 4th line, before the word "court" insert the words "with the return judges."

Section 18, 3d line, strike out the word "Governor" and insert the words "Territorial Auditor."

Section 19, 2d line, strike out the word "Governor" and insert the words "Territorial Auditor."

Section 20, 7th line, after "15th" insert "and 17th."

Section 28, 7th line, strike out the word "fifty" and insert the words "twenty-five."

Section 29, 7th line, strike out the word "be" and insert the words "vote he shall be deemed."

Between sections 31 and 32, insert the following as a new section:

"If any person or persons shall make and return, or cause to be made and returned, any paper purporting to be a poll book of any election precinct, or an abstract of the votes of any county, or any other election paper, designed and intended fraudulently to impose the same as true and lawful upon the return judges, county clerks, Territorial auditor or contest boards, or to have the same received by the connivance of any such judges or other officers, or if any of such judges or other officers shall knowingly and fraudulently receive and admit the same, such person or persons, judges, county clerks, Territorial auditor or member of a contest board, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction thereof, by a fine of not less than one hundred nor more than one thousand dollars and by imprisonment in the penitentiary not less than three months nor more than five years, and be forever disqualified from voting or holding office within this territory."

Insert the following new sections and number the same accordingly:

Section — "The Treasurer, Auditor and Librarian of the Territory shall qualify within forty days after the returns are made and canvassed."

Section — "The Territorial Treasurer shall give bonds in the sum of twenty-five thousand dollars; the Auditor in the sum of five thousand dollars; the Librarian in the sum of ten thousand dollars; the judges of probate and the registers of each county, shall each give bonds in the sum of five thousand dollars; county treasurers each in the sum of ten thousand dollars; sheriffs each in the sum of ten thousand dollars; and county surveyors each in the sum of two thousand dollars."

Section — "Bonds of Territorial officers shall be given to the Territory and be approved by the Governor and shall be filed with the Secretary of the Territory; bonds of county officers shall be given to the county commissioners and filed with the county clerk."

Section — "The county commissioners may require all county officers

to give bonds in such amounts, not less than those hereinbefore specified, as they may deem proper, and such additional sureties as in their opinion may be necessary."

Section — "Such bonds shall be conditioned for the faithful and impartial performance of the duties of the office according to law."

Section — "All Territorial, district and county officers, shall take the following oath, viz:

"I do solemnly swear that I will support the constitution of the United States and faithfully and impartially perform the duties of my office according to law and the best of my ability."

Strike out section 32, and insert the following:

Section — "An act entitled 'elections,' approved January 26th, 1856, is hereby repealed."

All of which is most respectfully submitted.

JOHN C. CAMPBELL,
JOHN S. BOWEN,
JNO. P. BAKER,
HARRISON JOHNSON.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 141, entitled "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and James D. H. O'Neal,"

Have, according to order, had the same under consideration and most respectfully report that although, as a general rule, they would feel inclined to discourage the granting of divorces by the Legislature, and refer parties applying therefor to the courts, where full and complete justice can be obtained in most instances, still, as this body has already listened to the petitions of several applicants in matters of this kind, and has the undoubted right so to do, we are of the opinion that this petitioner should receive a like consideration at our hands.

This case is one which, in the opinion of your committee, the petitioner, Anna E. O'Neal, is justly and legally entitled to a divorce.

In brief, the facts in the case are simply these: The petitioner was married to James D. H. O'Neal in the month of October, 1854, in the state of Illinois; resided in that state near Springfield for about three years, when they removed to this Territory and resided for a time in Washington county; from thence they removed to Tabor, Iowa, where they lived till the month of August last, when the said James, without any provocation, abandoned petitioner, leaving her entirely destitute, he having first converted what small effects they had, into cash, which he took with him. Since that time petitioner has been compelled to support herself by her own labor, and the charity of her friends and acquaintances. Since said James left, he has not been heard from except through the medium of St. Louis papers, by which it appears that for some offense he has been incarcerated in jail in that city.

Your committee further report: That the character of the said James

is notoriously bad, while that of your petitioner is good. We would therefore, in view of the abandonment by the said James of his said wife and his gross neglect of his duties to her as her husband, and all the circumstances of this case, most earnestly recommend this application to the favorable consideration of this House, for the reasons that said bill No. 141, contains no provision restoring to petitioner her maiden name, which she earnestly desired.

Your committee have prepared, and beg leave to report a substitute therefore, and would most respectfully recommend its passage.

GEORGE B. LAKE,
D. D. BELDEN,
JAMES TUFTS,
WM. H. BRODHEAD,
T. M. MARQUETTE.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 35, entitled "A bill for an act entitled 'An act regulating fees and salaries,'"

Have, according to order, had the same under consideration, and beg leave to report: That in their opinion the said bill is defective in many respects, particularly in not providing for the fees of several officers, and in not itemizing the fees of clerks of the district courts, sheriffs and probate judges, to a sufficient extent, which, in the opinion of your committee, is much needed, as well as many other provisions which your committee have endeavored to obviate in the substitute which they herewith present for the consideration of the House. Your committee would therefore most respectfully report their substitute to the House and recommend its passage.

All of which is most respectfully submitted.

GEORGE B. LAKE,
D. D. BELDEN,
JAMES TUFTS,
T. M. MARQUETTE,
WM. H. BRODHEAD.

Mr. Johnson of Douglas, from special committee, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

C. B. No. 25, "An act to incorporate the Platte city bridge company,"

Have, according to order, had the same under consideration, and beg leave to report the bill back to the House with section 4 amended as follows: Strike out all of said section between the word "act" in the 1st line and the word "and" in the 6th line, and insert the following: "shall extend up and down said Platte river from the centre point of said Platte city on said river, for the distance of five miles in each direction." After the word "property" in the 10th line of said 4th sec-

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tion insert the words "for hire;" and before the word "bridge" in the 11th line, insert the word "toll." And thus amended, your committee would recommend the passage of the bill.

HARRISON JOHNSON,
GEORGE B. LAKE,
SAMUEL MAXWELL.

Mr. Johnson of Douglas, from special committee, submitted the following minority report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 125, "A bill for an act to amend the charter of the city of Omaha,"

Beg leave to make the following minority report:

The minority of your committee, believing that the city charter as it now is is sufficient for all necessary means of raising taxes, and further believing that a majority of the tax payers of said city desire that no further legislation be had on the subject at this time, and the undersigned, a minority of your committee, would therefore recommend that the bill be indefinitely postponed.

H. JOHNSON.

Mr. Brodhead of Otoe, chairman of the Committee on Federal Relations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 128, "joint resolution and memorial to Congress, asking an appropriation of land for the erection of an orphans' home, widows' home and a hospital for the sick and infirm,"

Have had the same under consideration and would most respectfully submit their report with the following amendments: That instead of an appropriation of four sections of land for each particular purpose, that it be so amended that an appropriation of six sections of land be granted by the general government for each particular purpose named in the joint resolution and memorial, and would most respectfully recommend its passage as amended.

WM. H. BRODHEAD,
T. H. ADAMS,
W. W. KEELING,
R. C. BARNARD,
JOHN TAFFE.

Mr. Rogers of Dodge, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 123, "A bill for an act for the relief of Lacy & McCormick and George Clayes,"

Having had the same under consideration, ask leave to submit the following report:

About the first of July, A. D. 1859, the Pawnee Indians started on

their summer hunt, following up the west bank of the Elkhorn river. When they had arrived in the vicinity of West Point in Cuming county, they encamped for several days, and not having received their full payment for the then current year from the United States, were not well supplied with provisions for said hunt; accordingly they separated into parties, and commenced a systematic course of plunder upon the inhabitants within their reach; the consequence, as might well have been expected by the Indians was, that the frontier population fled, taking only such property as they could easily remove, leaving the remainder to be destroyed by the Indians, or to await their return; the condition of these settlers at once excited the indignation of the people of the whole Territory, who, while administering to their immediate necessities, commenced taking measures for a redress of their wrongs.

The executive immediately called for volunteers, and also called upon Messrs. Lacy & McCormick and George Claves, for the provisions and ammunition necessary for the proposed campaign. These gentlemen cheerfully and promptly responded, notwithstanding they had donated liberally to the impoverished settlers who had been driven from their homes.

From the evidence before your committee they are fully satisfied that the bills are just, and the prices reasonable, and were of articles absolutely needed for the expedition, and that these applicants have never received any pay therefor. Indeed without these supplies, which constituted as it were the life blood of the expedition, the troops could not have taken the field at all.

Your committee, however, feel that the general government is bound to protect the citizens of this Territory from the encroachments of the Indian tribes, especially those who are receiving a regular annuity therefrom, and that, in case it so fails to do, it is justly holden for the payment of all bills necessarily incurred in such protection. And further, your committee are not fully satisfied that these gentlemen, at the time they sold the goods, expected that the Territory would pay for them, but on the contrary, are led to think that they sold them, as much at least upon the credit of the United States as of the Territory, and while they admire the spirit of fairness and honesty evinced by these gentlemen, in offering to receive Territorial warrants at their face, for the full amount of their claims, and set over such claims to the Territory, to be prosecuted against the general government for final payment, they very much fear that the precedent established by such a course, would, in the end, be exceedingly detrimental to the credit of the Territory, and might be used as an argument against the final payment of the claims by the general government. In view of these considerations, your committee report the bill back to the House without recommendation, but suggesting to the consideration of the House, the propriety of recommitting the bill to the Committee on Militia, to whom all other matters relating to the aforementioned campaign have been referred.

E. H. ROGERS,
S. F. NUCKOLLS,
HARRISON JOHNSON.

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Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries,"

Having had the same under consideration, beg leave to report the bill back to the House without amendment and recommend its passage.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 146, "A bill for an act to encourage agriculture and mechanics' arts in Nemaha county,"

Have had the bill under consideration, and report the same back to the House without recommendation.

Also,

C. B. No. 43, "A bill for an act to restrain sheep and swine from running at large in the county of Pawnee,"

Have had this bill under consideration, and report the same back to the House and recommend its passage.

HARRISON JOHNSON, Chairman.

Mr. Davis of Cass, from special committee, submitted the following report:

Mr. Speaker:

Your special committee to whom was referred

H. F. No. 120, "A bill for an act to change the location of the territorial road at Three Grove post office in Cass county,"

Have had the bill under consideration, and ask leave to report accompanying substitute and recommend its passage.

W. R. DAVIS,
T. M. MARQUETTE,
J. N. STEPHENSON.

The following report was submitted by Wm. E. Harvey, Commissioner of Common Schools:

OFFICE OF COMMISSIONER OF COMMON SCHOOLS, }
Omaha City, N. T., January 3d, 1860. }

To the Honorable the Council and House of Representatives of Nebraska:

In accordance with the requirements of section 52 of "An act providing for the better regulation of schools in Nebraska," approved Nov. 4th, 1858, I have the honor to submit the Annual Report of the School Department.

On assuming the duties of my office, I addressed a circular to the clerk of each organized county in the Territory, calling for an early report upon the condition of schools in their respective counties. Nearly

all have responded to the call, and the accompanying documents are the result.

Much difficulty has been experienced in the organization of our common school system, from the indefiniteness of the word "township," in the law; and as there are no civil or municipal townships in the Territory, and no law for their organization, but little could be done outside of the incorporated cities and towns; consequently, a full enumeration of scholars has not been taken in the rural districts. As it would manifestly be unjust to distribute the school moneys collected during the past year—as provided for in section 34 of the law—upon the partial enumeration reported to this office, the time for making the full returns should be extended.

The amendments which have recently passed the Council, should they become a law, will remedy the above, and other defects in and objections to the law, as it now stands.

The amount of taxes due the territorial school fund for 1859, on the assessment rolls returned to the Territorial Auditor, as provided for in section 60, is fifteen thousand, two hundred and sixteen dollars and sixty cents (\$15,216.60), and is made up as follows:

Counties.

Burt,	\$280.54
Cass,	2,192.15
Cedar,	37.41
Dakota,	216.49
Dixon,	64.93
Dodge,	318.89
Douglas,	6,318.10
Johnson,	135.90
Nemaha,	987.68
Otoe,	2,375.85
Platte,	47.89
Richardson,	408.79
Sarpy,	1,069.60
Washington,	762.38

Total, \$15,216.60

I am informed that there are other counties from which a school tax is due, though I am not informed as to the amounts.

There should be due in the several counties, for poll tax, license fees, ferry charter fees, fines, &c., an aggregate of nearly, if not above \$10,000, or say a grand total of twenty-five thousand dollars (\$25,000), to be applied to educational purposes, exclusive of local taxes for building and furnishing school houses, supplying deficiencies, &c. No library tax has been collected, as far as I can learn, in any of the counties.

The report of Wm. R. Craig, former superintendent of common schools in Otoe county, shows that he has paid—though he does not state the amount—a sum for attorneys' fees, in contesting fraudulent entries of school lands, and has agreed to pay a contingent fee of \$300

more, in another case. I am unable to find any authority of law for such a disbursement of school funds. There should be some one authorized to settle the accounts of county superintendents under the old law.

Several instances have been brought to my notice, of the fraudulent entry of very valuable school lands, which might be reclaimed to the school fund, if there were any way provided for the payments of the necessary expenses of suits brought for their recovery. In other instances, school sections have been stripped of valuable groves of timber, which might have been prevented, had there been any person authorized to look to the matter, and disburse money for the protection of school lands. I would, therefore, respectfully suggest that a memorial be presented to Congress, asking the present use of the school lands, on condition that the Territory protect them from depredation. Could we get control of the school lands for the purpose of renting them, I doubt not that a very handsome revenue might be derived therefrom.

I have opened a correspondence with several of the state superintendents of public instruction, with a view of acquiring for our Territory the benefits of their longer experience in the cause of popular education.

I have received, from several publishers of school books, copies of their publications, and have been offered more by others. As soon as I can obtain the different series of common school books, I shall call together a committee of teachers and submit them to their examination, with a view to recommending a uniformity of text books in the Territory, as it is highly desirable that the best series should be adopted in the commencement of our common school system.

I have had the pleasure of visiting several of the public schools in the city of Omaha and found them in a prosperous condition.

The reports from Nemaha, Cass, Douglas, Washington, Otoe, Dixon, and other counties are very creditable and encouraging, taking into consideration that this is the first year of the law, and the seeming difficulties in organizing under it. All of the counties seem determined that before another year is out a much more prosperous condition of schools shall be shown, provided the Legislature will aid them by enacting such amendments as will enable them to fully organize their school districts.

It is to immigration that we look for the means of developing the resources and prosperity of our Territory; and that we can only secure by showing the immigrant that we pay some regard to the welfare and happiness of our people. Almost the first question asked by the better class of immigrants are in regard to the schools; for but very few would be willing to surrender the advantages of an education for their children, for the other advantages to be found here, considering that paramount to all others; and that upon good schools, more than anything else, depends the welfare, happiness and prosperity of the country.

All of which is respectfully submitted,

WILLIAM E. HARVEY, Com'r
of Com. Schools for Neb.

ABSTRACT OF COUNTY REPORTS.

NAMES OF COUNTIES.	No. of Children between 5 and 21 yrs. residing in the counties.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Number of Select Schools.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.							
Burt, ¹	558	521	175	200	7	8	6	8	192	8	2		
Cass, ²													
Cedar, ³													
Cuming, ⁴	32	34	19	21	2	1	3		40				
Dixon,	90	75	15	25		2	2	84					
Dodge,	448	568	134	153	2	4	4	5	182				
Douglas,													
Gage, ⁵													
Johnson, ⁶													
L'eau-qui-Court, ⁷													
Monroe,	9	8											
Nemaha,	297	266	205	204	7	2	6	487					\$1300
Otoe,	661	626	31	35		2	2	1	140	45			
Platte,													
Richardson,	37	38											
Sarpy, ⁸	84	75			1	1	2						600
Washington, ⁹	183	157	49	44	1	2	4	1	213				
Total,	2399	2368	628	682	20	22	29	15	277	10			\$1900

COUNTY REPORTS.

Burt County.

No action whatever has been taken in this county in relation to the "Act for the better regulation of schools in Nebraska."

J. R. CONKLIN,

Co. Clerk, Burt county.

Cedar County.

There has been only two schools kept, as yet, in the county, and those were private schools.

WM. N. COLLAMER,

Co. Clerk, Cedar co.

Cuming County.

As yet there are no schools in this county, the inhabitants are so much scattered that it is hard to make up a school, but there will be one at this place (West Point), within one year.

J. C. CRAWFORD, Co. Clerk, Cuming co.

¹ No action taken in county.

² One organized district in county.

³ But two schools, those private.

⁴ One school to be formed within a year.

⁵ No tax raised and nothing done in regard to schools.

⁶ One township organized; schools so far have been supported by subscription.

⁷ No returns received by clerk; only private schools, as yet, in county.

⁸ No full returns.

⁹ Precincts regarded as townships.

Wednesday, January 4th, 1860.

Cass County.

NAME OF DISTRICT.	No. of youth between 6 and 21 years of age residing in the several districts of the county.		Number of youth between 6 and 21 years of age attending school during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
Plattsmouth.....	558	521	175	200	7	8	6	8	*	192	*	*	9
District No. 1.....													

The above is correct as reported to me, and as the returns in my office show. There is but one regularly organized district in the county, and the rest of the county is attached to it for school purposes.

Witness my hand and seal of office this twentieth day of December, A. D. 1859.

D. H. WHEELER,

Co. Clerk, Cass county.

Dixon County.

NAMES OF TOWNSHIP DISTRICT.	No. of Children between the ages of 6 and 21 yrs residing in the several districts of the county.		Number of Children between 6 and 21 yrs attending school during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.						
Ponca District No. 1; Town 30 N., R. 6 E.,...	11	12	7	8	....	1	1	..	Summer.	15	..	.....
Dixon District No. 2; Town 32 N., R. 4 E.,...	21	22	12	13	2		2	..	Winter.	25	..	.....
Total,	32	34	19	21	2	1	3	..	.....	40	..	.....

School Books in Use.—Webster's Elementary Spelling Book and McGuffey's Readers.

I hereby certify that the foregoing statement is true and correct, and contains all the information that is on file in my office. I am aware of there being a private school at Ponca, this summer, but the directors have not returned any statement to my office about the school or number in attendance, &c., &c. Also that there was two schools in Dixon precinct; but there is no information about their attendance or schools in my office.

Witness my hand this 24th day of November, A. D. 1859.

EDWARD SERRY, Co. Clerk, Dixon co.

* No report.

Dodge County.

NAMES OF DISTRICTS.	No. of Children between 5 and 21 yrs of age residing in the several districts of the county.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.		Days School has kept.	Average attendance.	Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.	Number of Schools.	Number of School houses.					
Fontanelle,	49	40	15	25	....	1	1	..	84	....	..	..	....
Fremont,	22	18	....	....	....	1	1	..	....	....	..	..	....
Albion,	11	9	....	....	....	....	..	..	....	....	..	..	....
North Bend,	8	8	....	....	....	....	..	..	....	....	..	..	....
Total,	90	75	15	25	....	..	2	..	84	....	..	..	....

Text-Books Used.—Same as recommended by the Territorial Commissioner.

The Fontanelle district has annexed to it for school purposes all the territory embraced within the limits of township No. 18, north, in ranges 8 and 9, east of the sixth principal meridian.

JOHN RAY,
Co. Clerk, Dodge county.

Douglas County.

NAME AND NUMBER OF TOWNSHIP DISTRICT.	No. of Children between 5 and 21 yrs of age residing in the several districts of the county.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.		Days School has kept.	Average attendance.	Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.	Number of Schools.	Number of School houses.					
No. 1, Omaha,	250	275	125	142	1	3	4	3	30	....	..	..	....
2, Walker's,	19	17	7	9	....	1	..	..	132	....	..	..	....
3, Brewster's,	16	12	....	....	....	....	..	..	....	....	..	..	....
4, Saratoga,	18	11	....	....	....	....	..	..	....	....	..	..	....
5, Florence,	123	135	....	....	....	....	..	..	....	....	..	..	....
6, Griffin's,	8	5	2	2	1	..	1	20	....	....	..	..	....
7, Chicago,	14	13	....	....	....	....	..	..	....	....	..	..	....
Total,	448	568	134	153	2	4	4	4	182	....	..	..	....

There is one school house under contract in Chicago district.

Text-Books Used.—Sanders' Readers and Spellers, Smith's Grammar, Parker's Philosophy, Cutter's Physiology, Porter's Chemistry, Arnold and Bullions' Greek Gram.

Wednesday, January 4th, 1860.

mar, Davies' Mathematics, Willard's Histories, Monteith and McNally's Geographies, Fulton and Eastman's Bookkeeping and Penmanship, Bullions' Latin Grammar.

JAS. W. VAN NOSTRAND,
Co. Clerk, Douglas county.

Gage County.

Nothing has been done in this county in regard to schools, that has ever come to my knowledge. We have never been able to raise any tax, and the county is so sparsely settled that it is impossible at this early day, to support a school in our county. We hope, however, next year to be able to make a more favorable report of the condition of common schools in Gage county.

NATHAN BLAKELY,
Co. Clerk, Gage county.

Johnson County.

We have as yet had no schools under the school law, consequently I can make no report. We have one township organized for school purposes; but our schools, so far, have all been supported by subscription.

JOSEPH SAUNDERS,
Co. Clerk, Johnson county.

L'eau-qui-Court County.

No returns have been received from any township in the county. As yet none but private schools have been established in this county. We hope to organize a Board of Education next spring.

R. W. HAGAMAN, Co. Clerk,
L'eau-qui-Court county.

Monroe County.

Cleveland district No. 1.—No of children between the ages of 5 and 21 years, residing in the several districts in the county: males, nine; females, eight.

I do hereby certify that the above is a true and correct copy of the returns required to be made by me, by the 37th section of an act entitled "An act for the better regulation of schools in Nebraska," approved November 4th, 1858.

In testimony whereof, witness my hand and the official seal of the county of Monroe, Nebraska Territory, hereunto affixed at Monroe, this 16th day of December, A. D. 1859.

EDWARD A. GERRARD,
Co. Clerk, Monroe county.

Nemaha County.

NAMES OF DISTRICTS.	No. of Children between the ages of 5 and 21 yrs reading in the several districts in the county		Number of Children who have attended school during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.							
Township No. 5 N. Range 15 East:													
Sub-district No. 1,.....	29	33	6	12	....	1	1	..	60	....	..	....	....
2,.....	13	10	9	12	....	1	1	..	60	....	..	....	....
3,.....	12	15	10	11	1	....	1	..	50	....	..	....	....
Township No. 6 N. Range 14 East:													
Sub-district No. 1,.....	26	27	4	9	1	....	..	..	75	....	..	....	....
2,.....	16	9	....	....	....	....	..	..	....	....	..	....	....
3,.....	9	6	....	....	....	....	..	..	....	....	..	....	....
District No. 3, Nemaha City:	48	40	32	34	1	....	1	..	86	....	..	....	\$500
Brownville School Dist.,	100	87	100	87	4	....	2	..	156	....	..	....	800
Peru :													
District No. 6,.....	44	39	44	39	....	....	..	..	....	....	..	....	....
Total in County,....	297	266	205	204	7	2	6	..	487	....	..	....	\$1300

Text-Books Used.—McGuffie's Readers, Webster's Spellers, Ray's Arithmetic, McGuffie's Primer, McGuffie's Speller, Ray's Arithmetics, Mitchell's Geography.

The above is a true copy of the returns made to this office, all of which is respectfully submitted; and I hereby certify to their correctness.

In testimony whereof, &c., &c.

T. W. BEDFORD,
Co. Clerk, Nemaha county.

Otoe County.

I, Henry R. Newcomb, county clerk of Otoe county, Nebraska Territory, do hereby certify the following to be a true and correct abstract of the enumeration of children, and of school statistics, as returned to me from the above designated town districts in Otoe county, Nebraska Territory, for the year A. D. 1859.

Wednesday, January 4th, 1860.

Given under my hand, and the seal of the court of said county, this 16th day of December, A. D. 1859.

HENRY R. NEWCOMB,
Co. Clerk, Otoe county.

NUMBER OF DISTRICT.	No. of Children between the ages of 5 and 21 yrs residing in the several districts in the county		Number of Children who have attended School within the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
District No. 1,.....	246	263	....	....	....	....	....	....	....	....	....	....	....
2,.....	46	54	....	....	....	....	....	....	....	....	....	....	....
3,.....	61	41	....	....	....	....	....	....	....	....	....	....	....
4,.....	53	55	15	18	....	1	1	1	60	20	....	....	....
5,.....	45	60	....	....	....	....	....	....	....	....	....	....	....
6,.....	30	22	....	....	....	....	....	....	....	....	....	....	....
7,.....	40	36	16	17	....	1	1	..	80	25	....	....	....
8,.....	24	28	....	....	....	....	....	....	....	....	....	....	....
9,.....	41	26	....	....	....	....	....	....	....	....	....	....	....
10,.....	30	17	....	....	....	....	....	....	....	....	....	....	....
11,.....	45	24	....	....	....	....	....	....	....	....	....	....	....
Total,.....	661	626	31	35	....	2	2	1	140	45	....	....	....

Text-Books Used.—Supposed to be too numerous to mention.

Richardson County.

But one district is as yet organized in this county, being town district No. 1. No. of children residing therein between the ages of 5 and 21 years, is as follows: males, 37; females, 38.

A. J. DE SHAZO,
Co. Clerk, Richardson county.

Sarpy County.

In pursuance of law, I herewith transmit the following report of the condition of schools in this county: School district No. 1, embracing township No. thirteen (13), range 12, have only returned a list of the scholars in said district, between the ages of 5 and 21 years, certified to by the township clerk.

Township No. 12, range 11, is in the same condition; District No. 6, embracing the city of Bellevue with the territory annexed thereto for school purposes, held a school meeting on the first Monday of March, and elected local directors who were duly qualified according to law; There has been no report made by the teachers in this school district.

An enumeration of the scholars between the ages of 5 and 21, was returned certified by one of the board of directors.

There is another district with school house, where a school has been in operation during last summer and fall. They have made no report.

The following is the number of schools in the several school districts, as returned to me:

NAME OF DISTRICT.	No. of Youth between the ages of 5 and 21 yrs residing in the county.		Number of Children who attended School during the past year.		Number of Teachers.		Number of Schools.		Days School has kept.	Average attendance.	Number of Vols. in Library.		Value of Apparatus.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.	Number of Schools.	Number of School houses.			Number of Vols. in Library.	Value of Apparatus.		
T. 13 N., R. 12 E.,.....	20	11	....	....	....	....	..	..	....	....	..	..	....	....
T. 12 N., R. 11 E.,	29	31	....	....	1	....	1	..	....	....	..	..	....	....
City of Bellevue,	35	33	....	....	1	....	1	..	....	....	..	..	....	\$600
Total,	84	75	....	....	2	....	2	..	....	....	..	..	....	\$600

The other requirements, of the law have not been complied with, partly owing to the complicated state of the law, and also the insufficiency of funds to meet said requirements.

STEPHEN D. BANGS,
Co. Clerk, Sarpy county.

Washington County.

NAMES AND NUMBER OF TOWNSHIP.	No. of Children between the ages of 5 and 21 in the school districts.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.		Days School has kept.	Average attendance.	Number of Vols. in Library.		Value of Apparatus.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.	Number of Schools.	Number of School houses.			Number of Vols. in Library.	Value of Apparatus.		
Cuming City Precinct, District No. 1,.....	25	30	....	....	....	....	1	..	..	....	..	..	....	....
De Soto Precinct, District No. 1,.....	54	43	26	17	1	....	1	..	73	....	..	..	....	....
Ft. Calhoun Precinct, District No. 5,.....	12	10	....	....	....	....	..	..	..	....	..	..	....	....
6,.....	44	39	23	27	....	2	2	1	140	....	..	..	....	....
7,.....	1	1	....	....	....	....	..	..	..	....	..	..	....	....
8,.....	17	13	....	....	....	....	..	..	..	....	..	..	....	....
Richland Precinct,.....	30	21	....	....	....	....	..	..	..	....	..	..	....	....
Rockport Precinct,														
Total,.....	183	157	49	44	1	2	4	1	213	....	..	..	....	....

Wednesday, January 4th, 1860.

I may add, by way of explanation, that the foregoing statement is made presuming that "township," as expressed in the law, must be construed to mean "precinct" in its application, as we have in other civil township boundaries here. Great delay and difficulty has resulted in this county, in procuring reports from the local officers, owing to a misapprehension with some as to what constitutes a "township;" many believing that township, as referred to by the law, had reference to congressional township boundaries.

ELAM CLARK,
Co. Clerk, Washington co.

REPORT OF WM. R. CRAIG,

Former Superintendent of Common Schools in Otoe county.

Nebraska City, November 1st, 1859.

J. H. Kellum, Esq.,

Superintendent Public Instruction :

Dear Sir—I herewith submit a statement of the condition of the school fund of this county, and the progress that has been made in establishing schools in this county. The settled portion of the county was districted by me, and elections held for the officers necessary, but few of them performed the duties for which they were elected. Six of the districts built school houses. Some of them are quite creditable for a new country. The school fund for 1857, was so small (\$150, that it was but little inducement to exertion to secure it. The school tax for 1858 was greater. Some fines would have found their way into the school fund, if in the passage of the license law, the Legislature had not left off a saving clause, for the law repealed, by which oversight the schools of this county lost about one thousand dollars.

I submit a statement of the moneys received and paid out by me:

Received of the Treasurer, in 1857,	\$98.00
do J. B. Boulware,	30.00
do Treasurer in 1858,	153.50
do J. B. Boulware,	30.00
do Treasurer, Feb., 1859,	225.00
	<hr/>
	\$536.50

I have paid up to this date to district treasurers, and for attorney's fees in contested cases of entries of school lands,	494.50
	<hr/>

Leaving a balance in my hands of,	\$42.00
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I have agreed to pay a contingent fee of \$300 to Young and Niles of Washington city, on their getting cancelled the entry of L. Kelley, of the south $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of section 16, which is very valuable from its proximity to this city.

The resources for schools for 1860, this year, are as follows:

Amount in Treasurer's hands, and delinquent taxes for 1858,	\$633.00
Tax list for 1859, at 1½ mills,	2,500.00
Fine of George Boulware paid to treasurer,	50.00
	<hr/>
	\$3,183.00

There is in the hands, or has been collected by the city for liquor license, about,	2,000.00
which the city authorities refuse to surrender. Suit has been brought against them for the amount, which if received, will swell the total to over ..	5,000.00
There is, in addition, due from Boulware on his ferry charter,	30.00
Besides some fines that will probably be made.	

(Signed.) Wm. R. CRAIG, Sup't
Common Schools for Otoe County.

Mr. Marquette of Cass, moved that the House resolve itself into a Committee of the Whole for the purpose of considering the several bills relative to the school system.

Carried.

And the House went into Committee of the Whole, having under consideration

H. F. No. 94, "A bill to establish the common school system in the Territory of Nebraska;"

H. F. No. 33, "A bill for an act for the better regulation of common schools;"

And

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858,"

And the substitute reported to H. F. No. 33 by the Committee on Public Schools.

Mr. Lake of Douglas, in the chair.

Message from the Council announced.

The Speaker resumed the chair.

The message was read.

Mr. Hanscom of Douglas, objected to the reception of the message on account of the Council not being in session.

Mr. Bowen of Washington, moved that the message be received.

Two-thirds having voted in favor thereof,

The motion was

Carried,

And the message as follows received:

COUNCIL CHAMBER,
January 4th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

Wednesday, January 4th, 1860.

C. B. No. 72, "A bill for an act to protect game in the Territory of Nebraska;"

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county;"

Also,

C. B. No. 3, "A bill for an act to amend an act entitled 'An act relative to money on account and interest,' approved March 14th, 1855;"

And the concurrence of the House is respectfully requested.

I also return to your honorable body

H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa,"

The same having passed the Council without amendment.

I am also instructed to inform your honorable body that

H. F. No. 27, "An act to regulate and establish the rate of interest on money and on contracts,"

Has been indefinitely postponed.

I am instructed further to report to your honorable body that the Council have concurred in the amendments of the House to the following bills:

C. B. No. 34, "A bill to define the boundaries and locate the seat of justice of Shorter county;"

And,

C. B. No. 32, "A bill to organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof."

S. M. CURRAN, Chief Clerk.

The message having been received, the House again went into Committee of the Whole for the further consideration of the bills relative to common schools already in their possession.

The House having resumed business,

Mr. Lake of Douglas, chairman from the Committee of the Whole, submitted the following report:

Mr. Speaker.

Your committee, to whom was referred the several school bills before the House, and the substitute to H. F. No. 33, reported by the Committee on Public Schools, have, according to order, had the same under consideration, and have directed me to report the same back to the House, with the recommendation that said substitute be amended so that it will amend section sixty, of the school law of 1858, by inserting the word "white" before the word "youth," in the second line thereof; also that the said substitute be so amended that it shall amend the said law of 1858, so that hereafter but "one mill upon the dollar valuation, shall be levied and assessed for school purposes; also so as to amend the 13th section of said law of 1858, as to limit the sub-districts to not less than ten scholars by enumeration; also so as to amend said law, so that all colored persons shall be exempted from taxation for school purposes; also that the second section of said substitute be stricken out and the following section inserted in its place, viz:

Section 2. That where no sub-district exists, the qualified voters of

election precinct, shall elect a board of education, consisting of three citizens on the same day and in the same manner as provided in section two (2) of the act to which this is amendatory, for the election of school directors of sub-districts, and said board shall have all the powers and perform all the duties both of the board of education and the board of directors, until sub-districts are organized; and the said board of education shall, whenever they may deem necessary, establish sub-districts, which shall be organized according to the provisions of the aforesaid act;"

And that, thus amended, your committee would most respectfully recommend its passage.

GEORGE B. LAKE, Chairman
of the Committee of the Whole.

Mr. Hanscom of Douglas, moved that the substitute be recommended to a committee of three, and that the chairman of the Committee of the Whole be the chairman of said committee, and that they be instructed to report on the bill to-morrow morning, with the amendments adopted by the Committee of the Whole.

Carried, and

Messrs. Lake, Bowen and Reynolds appointed said committee.

Mr. Brodhead of Otoe, moved that 500 copies of the report of the School Commissioner be printed for the use of the House.

Carried.

Mr. Burbank of Richardson, moved that

H. F. No. 118, "A bill for an act to locate the county seat of Richardson county,"

Together with the substitute therefor reported by the Committee on Boundaries and County Seats, be taken up.

Carried.

Mr. Hanscom of Douglas, moved to adjourn.

Withdrawn.

Mr. Myers moved that the substitute be adopted.

Substitute was read, when

Mr. Hanscom of Douglas, moved to amend by striking out section 9.

Mr. Reynolds of Otoe, offered a remonstrance from the people of Richardson county relative to the location of the county seat thereof.

Objection being made to its reception, a motion was made that the remonstrance be received.

Upon which the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Barnard, Brodhead, Campbell, Collier, Crowe, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Maxwell, Nuckolls of Otoe, Rogers, Reynolds, Stephenson, Stewart and Taffe.—20.

Nays—Arnott, Bain, Baker, Bates, Bowen, Burbank, Davis, Goshen, Marquette, Myers, Nuckolls of Richardson, Reck and Shields.—13.

It requiring a two-third vote to suspend the rules, the motion to receive the remonstrance was

Lost.

The question recurring on the amendment proposed by Mr. Hanscom, The ayes and days demanded, when the vote stood as follows:

Ayes—Messrs. Barnard, Campbell, Collier, Hanscom, Kennedy, Lake, Malcolm, Reynolds, Taffe and Tufts.—10.

Nays—Messrs. Adams, Arnott, Bain, Baker, Bates, Bowen, Burbank, Brodhead, Crowe, Davis, Goshen, Johnson, Keeling, Latta, Marquette, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stephenson and Stewart.—23.

So the motion to amend was

Lost.

Mr. Collier of Burt, moved to amend the last section by striking out "its passage," and insert "the 20th day of January, A. D. 1860." Amendment adopted.

Mr. Hanscom of Douglas, moved to amend by striking out the last section and inserting: "This act shall take effect from and after the location of the county seat by the people of Richardson county."

Lost.

Mr. Hanscom moved to adjourn.

Lost.

Mr. Hanscom moved to postpone the bill for one week from to-day.

Lost.

Mr. Reynolds of Otoe, moved to recommit the bill to the Committee on Boundaries and County Seats.

Lost.

Question occurring on the adoption of the substitute, it was Adopted.

Mr. Marquette of Cass, moved that the rules be suspended, and the bill read the third time and put upon its passage, and upon that called the previous question.

Mr. Hanscom of Douglas, moved that the bill be engrossed.

Lost.

Question then being on the third reading of the bill, it was Carried.

And the bill read the third time.

Question then being on the passage of the bill.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Bates, Bowen, Burbank, Brodhead, Collier, Crowe, Davis, Goshen, Johnson, Keeling, Latta, Marquette, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stephenson, Stewart and Taffe.—25.

Nays—Messrs. Barnard, Campbell, Hanscom, Hinsdale, Kennedy, Lake, Reck and Reynolds.—8.

So the bill was

Passed.

Title was agreed to.

Mr. Tufts of L'eau qui-Court, introduced

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska and for other purposes."

Read the first time.

On motion of Mr. Tufts,

The rules were suspended, and the bill by its title read a second time and referred to a special committee of three.

Speaker appointed Messrs. Tufts, Reynolds and Malcolm.

Mr. Kennedy of Douglas, introduced

H. F. No. 154, "A bill for an act to incorporate a university, to be located in Richardson county."

On motion,

The rules were suspended, and the bill by its title read first and second time and referred to the Committee on Corporations.

Mr. Campbell of Otoe, moved to adjourn.

Withdrawn.

Mr. Burbank of Richardson, moved to reconsider the vote by which the House passed H. F. No 118; and to lay that motion on the table.

Carried.

On motion of Mr. Campbell of Otoe,
The House adjourned at 5 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Thursday, January 5th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday read and approved.

On motion of Mr. Keeling of Nemaha,

Leave of absence was granted to Mr. Noel on account of illness.

Mr. Malcolm of Douglas, introduced

H. F. No. 154½, "Joint resolution relative to clerical labor incident to the publication of the laws and journals, and decisions of the supreme court of the Territory of Nebraska."

Read the first time.

Mr. Brodhead of Otoe, moved that the rules be suspended and the bill by its title read a second time and referred to the Committee on Accounts and Expenditures.

Lost.

Mr. Shields of Sarpy, introduced

H. F. No. 155, "A bil for an act for the relief of road district No. 7 in Sarpy county.

Read the first time.

On motion,

The rules were suspended and the bill by its title read a second time, and referred to the Committee on Roads.

Mr. Malcolm of Douglas, moved to reconsider the vote by which the House refused to have H. F. No. 154 $\frac{1}{2}$, "Joint resolution relative to clerical labor, &c.," read the second time.

Carried.

When the rules were suspended, and the bill by its title read a second time and referred to the Committee on accounts and Expenditures.

Mr. Johnson of Douglas offered the following:

Resolved, That hereafter this House will each day take a recess from half-past 12 till 2 o'clock P. M. of the same day.

Carried.

Mr. Goshen of Johnson, introduced

H. F. No. 156, "A bill to authorize John Maulding and Cyrus Wright to erect a mill dam across the Great Nemaha river in Johnson county, N. T."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time.

Rules again suspended.

Bill read a third time.

Passed and title agreed to.

Mr. Davis of Cass, moved that the House take up

H. F. No. 94, "A bill for an act to establish the common school system in the Territory of Nebraska."

Withdrawn.

Mr. Marquette of Cass, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 140, "A bill for an act to re-enact, revise and collate certain acts in the Territory of Nebraska,"

Having had the same under consideration, beg leave to report the accompanying substitute, and recommend its passage.

All of which is respectfully submitted.

T. M. MARQUETTE,
JOHN C. CAMPBELL,
JOHN S. BOWEN.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska, and for other purposes,"

Having had the bill under consideration have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Also, the following:

Mr. Speaker:

Your committee to whom was referred the following bills, viz:

H. F. No. 143, "An act to incorporate the university of Columbus in Platte county;"

Also,

H. F. No. 152, "An act to authorize James C. Crawford and his associates to establish a ferry at West Point;"

Also,

H. F. No. 156, "An act to authorize Daniel B. Crocker and Henry Peck to keep and run a ferry across the Platte river at the mouth of Wood river;"

Also,

H. F. No. 132, "A bill to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city, Otoe county, N. T.;"

Having had the above bills under consideration, have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Brodhead of Otoe, chairman of the Committee on Federal Relations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 148, "Joint resolution and memorial to Congress asking the establishment of a mail route from Bellevue, via Fairview, Plattford, Forest city, to Elkhorn city in this Territory,"

Have had the bill under consideration, and respectfully report the same back to the House and recommend its passage.

WM. H. BRODHEAD, Chairman,

W. W. KEELING,

JOHN TAFFE,

T. H. ADAMS,

R. C. BARNARD.

C. B. No 59, "A bill for an act to incorporate the Omaha savings institution,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Barnard of Hall, on leave introduced

H. F. No. 156, "Joint resolution and memorial relative to the indemnifying of certain citizens of Nebraska for losses sustained by the location of the Pawnee reservation."

Read the first time.

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On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Federal Relations.

C. B. No. 65, "A bill to legalize the acts of the corporate authorities of the city of St. Helena,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 55, "A bill for an act to amend an act entitled 'An act to incorporate the city of Fort Calhoun, Nebraska.'"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 76, "A bill for an act to amend an act entitled 'An act to incorporate the Brownville lyceum, library and literary association,'"

Taken up.

Read the first time.

On motion

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

C. B. No. 86, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case,"

Taken up.

Read the first time.

Mr. Davis of Cass, moved that the rules be suspended and the bill by its title read a second time and referred to the appropriate committee.

Lost.

C. B. No. 61, "A bill for an act to incorporate Platte city in Morton county, Nebraska Territory,"

Taken up.

Read the first time.

C. B. No. 38, "Joint resolution and memorial to the Congress of the United States for a penitentiary,"

Taken up.

Read the first time.

Mr. Reck of Platte, moved that the rules be suspended and the bill by its title read a second time and referred to the appropriate committee.

Lost.

C. B. No. 46, "An act to establish a ferry across the Great Nemaha river in Richardson county,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

C. B. No. 63, "A bill to locate and establish a Territorial road from Ionia to Fontenelle,"

Taken up.

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Roads.

C. B. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county,"

Taken up.

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county,"

Taken up.

Read the first time.

• On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

C. B. No. 72, "A bill for an act to protect game in the Territory of Nebraska,"

Taken up.

Read the first time.

Mr. Johnson of Douglas, moved that the rules be suspended, and the bill by its title read a second and third time and put upon its passage.

Mr. Davis of Cass, moved that the bill be read a second time and referred to the Committee on Agriculture.

Mr. Crowe of Nemaha, moved to refer the bill to a special committee of three.

Mr. Tufts of L'eau-qui-Court, moved to refer the bill to the Committee on Federal Relations.

Mr. Reck of Platte moved to refer to the Committee on Military Affairs.

Mr. Collier of Burt, moved that the rules be suspended and the bill by its title read a second time and referred to a special committee of three, with Bates of Dakota, as chairman of said committee.

Carried.

When the rules were suspended, and the bill read a second time by title and referred to a committee, consisting of

Messrs. Bates, Brodhead and Collier.

The following message was received from the Council:

COUNCIL CHAMBER,
January 5th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has

reconsidered the vote by which that body concurred in the amendments of the House to

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county,"

For the reason that the amendments strike out the second section, which authorizes certain parties to locate the county seat; and the 3d section of the bill still provides for the meeting of the commissioners to locate said county seat, and this renders the bill ineffective.

S. M. CURRAN, Chief Clerk.

H. F. No. 20, "An act to incorporate a seminary at Peru,"

Together with the several amendments proposed by the Council thereto,

Taken up.

All the amendments, save that to section 4, concurred in, the House refusing to concur in the amendment proposed by the Council to section 4.

C. B. No. 34, "An act to define the boundaries and locate the seat of justice of Shorter county,"

Together with a message from the Council announcing that that body had reconsidered the vote by which it concurred in the amendments proposed thereto by the House, was

Taken up.

Mr. Hanscom of Douglas, moved that the House do now recede from the amendments made to the bill under consideration.

Pending which,

A call of the house was ordered.

Absent—Messrs Bates, Kennedy, Myers and Rogers.

On motion of Mr. Davis of Cass,

All further proceedings under the call were dispensed with.

Mr. Johnson of Douglas, moved to indefinitely postpone the whole subject matter.

Declared out of order.

The question occurring on the motion to recede from the amendments, it was

Lost.

Mr. Campbell of Otoe, moved to send the bill back to the Council.

Mr. Reck of Platte, moved to reconsider the vote by which the House refused to recede from the amendments.

Carried.

Mr. Bowen of Washington, moved to take a recess until 2½ o'clock P. M.

Carried.

House took a recess at 1 o'clock.

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Afternoon Session—2½ o'clock P. M.

The Speaker having called the House to order, the further consideration of

C. B. No. 32, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county,"

Was resumed.

Mr. Hanscom of Douglas, moved that the House do adhere to its amendments, and that a committee of conference be appointed upon the part of the House.

Withdrawn.

Mr. Hanscom moved that the House do insist on its amendments.

Carried.

Mr. Hanscom now moved that a committee of conference be appointed.

Carried.

Speaker appointed Messrs. Hanscom, Bowen and Campbell such committee.

Mr. Lake of Douglas, chairman of select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 33, substitute, "A substitute for the several bills before the House relative to common schools."

Reported to the House heretofore by the Committee on Public Schools with instructions to report a substitute embodying certain amendments recommended by the Committee of the Whole House, have, according to order, had the same under consideration, and beg leave to report the bill herewith presented as such substitute, with the recommend that the same do pass.

All of which is most respectfully submitted.

GEORGE B. LAKE,
JOHN S. BOWEN,
MILTON W. REYNOLDS.

Mr. Davis of Cass, moved that the House take up

H. F. No. 94, "A bill for an act to establish the common school system in the Territory of Nebraska."

Lost.

H. F. No. 33, substitute, "A bill for an act to amend an act entitled, 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858,"

Taken up.

On motion,

The substitute reported by the select committee was

Adopted.

Mr. Lake of Douglas, moved to amend the bill by adding another section viz;

"That section fifty-four (54) of the act to which this is amendatory, be so amended as to read as follows:

Section 54, The said commissioner shall be entitled to receive for his services the sum of four hundred dollars annually, payable quarterly out of the territorial treasury on the warrant of the Territorial Auditor."

Mr. Johnson of Douglas, moved to amend the amendment by inserting "five hundred dollars."

Amendment to the amendment

Accepted.

Mr. Keeling of Nemaha, moved to further amend by inserting "six hundred dollars."

Withdrawn.

Mr. Tufts of L'eau-qui-Court, moved to amend the amendment by adding "after the expiration of the first year."

Question occurring on the amendment to the amendment,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Bain, Baker, Barnard, Brodhead, Campbell, Collier, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Malcolm, Myers, Nuckolls of Otoe, Reck, Shields, Taffe and Tufts.—20.

Nays—Messrs. Arnott, Bowen, Burbank, Davis, Kennedy, Lake, Latta, Marquette, Maxwell, Noel, Nuckolls of Richardson, Reynolds, Stephenson.—13.

So the amendment to the amendment was

Adopted.

Mr. Hanscom of Douglas, moved to reconsider the vote by which the House adopted the amendment to the amendment.

Mr. Goshen of Johnson, moved to lay the motion to reconsider on the table.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Barnard, Brodhead, Campbell, Crowe, Goshen, Hinsdale, Johnson, Keeling, Malcolm, Noel, Nuckolls of Otoe, Reck, Rogers, Shields and Tufts.—16.

Nays—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, Maxwell, Kennedy, Noel, Nuckolls of Richardson, Reynolds, Stephenson, Stewart and Taffe.—17.

So the motion to lay on the table was

Lost.

Question occurring on the motion to reconsider,

The ayes and nays demanded, with the following result:

Ayes—Messrs. Arnott, Baker, Bowen, Burbank, Davis, Hanscom, Lake, Latta, Marquette, Maxwell, Myers, Reynolds, Rogers, Stephenson, Stewart and Taffe.—16.

Nays—Messrs. Adams, Bain, Barnard, Brodhead, Campbell, Collier, Crowe, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields and Tufts.—18.

So the motion to reconsider was

Lost.

Question occurring on the adoption of the amendment as amended,
The ayes and nays were had, with the following result:

Ayes—Messrs. Adams, Bain, Baker, Brodhead, Campbell, Crowe, Goshen, Johnson, Keeling, Kennedy, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck and Shields.—15.

Nays—Messrs. Arnott, Barnard, Bowen, Burbank, Collier, Davis, Hanscom, Hinsdale, Lake, Latta, Marquette, Maxwell, Myers, Reynolds, Rogers, Stephenson, Stewart, Taffe and Tufts.—19.

So the motion to amend was

Lost.

Mr. Hanscom of Douglas, moved that the amendment proposed by Mr. Lake be adopted.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Arnott, Baker, Barnard, Burbank, Collier, Davis, Hanscom, Lake, Latta, Marquette, Maxwell, Myers, Reynolds, Rogers, Stephenson and Stewart.—16.

Nays—Adams, Bain, Bowen, Brodhead, Campbell, Crowe, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Taffe and Tufts.—18.

So the amendment was

Lost.

Mr. Lake of Douglas, moved to amend by adding another section, viz:

That section (54) fifty-four of the act to which this is amendatory, be so amended as to read as follows:

"Section 54. The said commissioner shall be entitled to receive for his services the sum of five hundred dollars annually, payable quarterly out of the territorial treasury, on the warrant of the Territorial Auditor: Provided that this amendment shall not affect the salary of the present incumbent in said office for the first year of his term."

Amendment adopted.

Mr. Hanscom of Douglas, moved to reconsider the vote by which

H. F. No. 60, "An act to fix the time of holding the district courts in the first judicial district,"

Was, on yesterday, defeated.

Mr. Johnson of Douglas moved to lay the motion to reconsider on the table.

Withdrawn.

Motion to reconsider coming to a vote, it was

Carried.

And the vote defeating the bill, reconsidered.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Davis of Cass, asked and obtained leave of the House to state

Friday, January 6th, 1860.

his reasons for voting against the motion to print the report of the Territorial School Commissioner on yesterday.

After stating the reasons Mr. Davis asked that they be spread upon the journal, and the matter being submitted to the House it was decided in the negative,

And such leave not granted.

Mr. Hanscom of Douglas, moved to amend the amendment proposed by Mr. Lake to the bill relative to schools, under consideration, by striking out the words "first year" and inserting "six months."

Which amendment to the amendment was

Lost.

Mr. Brodhead of Otoe, moved to adjourn.

Lost.

Mr. Marquette of Cass, moved to amend as follows:

"That sections 55, 56, 57, 58 and 59 of the act to which this is amendatory be, and the same are hereby repealed."

The amendment

Adopted.

Mr. Taffe of Dakota, moved to adjourn.

Lost.

Mr. Campbell of Otoe, moved that the bill as amended be engrossed and read a third time on to-morrow.

Carried.

Mr. Reck of Platte, moved to adjourn.

Carried.

House adjourned at 5½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Friday, January 6th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday was read, and approved.

The following report was submitted by the chairman of the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report H. F. No. 136, correctly engrossed.

NOEL and REYNOLDS,
Committee.

Mr. Burbank of Richardson, presented the petition of A. P. Forney and wife, of Rulo city in Richardson county, that the name of George Ann Florence Anderson be changed to Florence Forney, and allowing said petitioners to adopt said child as their own.

Mr. Burbank of Richardson, on leave, introduced

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H. F. No. 157, "A bill for an act to change the name of George Ann Florence Anderson to Florence Forney."

Read the first time.

On motion,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, on leave introduced

H. F. No. 158, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858."

Read the first time.

On motion,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
January 6th, 1860. }

Mr. Speaker:

I am directed to inform your honorable body, that the Council have passed

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt and the redemption of territorial warrants,"

And respectfully request the concurrence of the House therein.

I am also instructed to inform your honorable body that the Council have refused to recede from the amendments to

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru;"

And that Messrs. Dundy and Reeves have been appointed a committee of conference thereon.

S. M. CURRAN, Chief Clerk.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 159, "A bill for an act to authorize J. Osterling to erect and keep a mill dam in L'eau-qui-Court county."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Latta of Cass, presented a petition of the citizens of Cass county, relative to the relocation of the county seat of said county.

Read and referred to the Committee on County Seats and Boundaries.

Mr. Burbank of Richardson, presented the petition of the citizens of Richardson county, that the territorial road from Peru to the Kansas line be so changed as to run on the north side of section 21, township 2 north, range 16 E.

Read and referred to the Committee on Roads.

Mr. Baker of Nemaha, on leave introduced

H. F. No. 160, "A bill for an act to amend an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, N. T.,' approved Nov. 3d, 1858."

Read the first time.

On motion of Mr. Baker of Nemaha,

The rules were suspended.

The bill by its title read a second time.

Rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Brodhead of Otoe, introduced

H. F. No. 161, "A bill for an act to provide for the election and define the duties of coroner."

Read the first time.

On motion of Mr. Brodhead of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Johnson of Douglas, introduced

H. F. No. 162, "A bill for an act to locate and establish a territorial road from Omaha city to Lemuel Ireland's in Sarpy county, N. T."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Roads.

Mr. Hanscom of Douglas, introduced

H. F. No. 163, "A bill for an act to incorporate the Presbyterian church of Omaha city."

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Nuckolls of Otoe, presented a petition of the citizens of Otoe county relative to the restraining of stock.

Read and referred to a special committee of three.

The Speaker appointing Messrs. Burbank, Myers and Noel.

Mr. Burbank of Richardson, presented a petition of the citizens of Richardson county relative to restraining stock,

Which was referred to the same special committee as the similar petition of the citizens of Otoe county.

Mr. Rogers of Dodge, introduced

H. F. No. 164, "A bill for an act to locate a territorial road in Dodge county."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Campbell of Otoe, on leave introduced

H. F. No. 165, "A bill for an act explanatory of an act entitled 'An act to legalize the collection of taxes in Cass county, for the year 1857.'"

Read the first time.

Mr. Campbell of Otoe, moved that the rules be suspended and the bill by its title be read a second and third time and placed upon its passage.

Mr. Maxwell of Cass, moved that the rules be suspended, the bill be read a second time and referred to a special committee of three.

Carried.

Rules suspended.

Bill read a second time, and

Messrs. Maxwell, Stephenson and Campbell appointed such special committee.

Mr. Bates of Dakota, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 72, "A bill for an act to protect game in the Territory of Nebraska,"

Beg leave to report that they have had the same under consideration, that they have made a careful examination of the same and would respectfully recommend its passage.

B. BATES, Chairman.

Mr. Reynolds of Otoe, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska, and for other purposes,"

Having had the same under consideration, beg leave to report the same back to the House without amendment and recommend its passage.

MILTON W. REYNOLDS.

Mr. Brodhead of Otoe, chairman of the Committee on Federal Relations, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred

H. F. No. 156½, "Joint resolution and memorial relative to indemnifying of certain citizens of Nebraska for losses sustained by the location of the Pawnee reservation,"

Friday, January 6th, 1860.

Having had the same under consideration, beg leave to report the same back to the House with the following amendments: Inserting before the last clause preceding the resolution—"And your memorialists would also call the attention of your honorable body to a similar case in relation to citizens who settled in the county of Black bird, in which the Omaha reservation was subsequently taken."

And thus amended, your committee would most respectfully recommend its passage.

W. H. BRODHEAD,
JOHN TAFFE,
W. W. KEELING,
R. C. BARNARD,
T. H. ADAMS.

Report accepted.

Amendment proposed by the committee

Adopted.

On motion of Mr. Barnard of Hall,

The bill was ordered engrossed for a third reading to-morrow.

On motion of Mr. Goshen of Johnson,

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Was taken up.

Call of the House ordered.

Absent—Messrs. Barnard, Lake and Myers.

The following message was received from the Council:

COUNCIL CHAMBER,
January 6th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has concurred in the amendments of the House to

C. B. No. 34, "A bill for an act to define the boundaries of Shorter county;"

And have amended the amendment of the House by striking out the 3d section of the original bill, and ask the concurrence of the House therein.

I am also instructed to inform you that Messrs. Boykin and Scott have been appointed a conference committee upon the part of the Council, on said bill.

S. M. CURRAN, Chief Clerk.

On motion of Mr. Taffe of Dakota,

Leave of absence was granted to Mr. Collier.

Mr. Campbell of Otoe, moved that the Sergeant-at-Arms be dispatched after absentees.

Carried.

On motion of Mr. Campbell of Otoe,

All further proceedings under the call were dispensed with.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, on leave, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska,"

Have had the same under consideration, and report the bill back without recommendation.

HARRISON JOHNSON.

Consideration of

H. F. No. 9, "A bill for an act to relocate the county seat of Johnson county,"

Resumed.

Bill read a third time.

The question being on its passage, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Bates, Bowen, Burbank, Brodhead, Crowe, Davis, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, Latta, Malcolm, Maxwell, Nuckolls of Richardson, Reck, Rogers, Shields, Stephenson, Stewart, Taffe and Tufts.—27.

Nays—Messrs. Belden, Campbell, Marquette, Noel, Nuckolls of Otoe and Reynolds.—6.

So the bill was

Passed.

The title was agreed to.

Mr. Davis of Cass, moved that the rules be suspended, and the House take up

H. F. No. 138, "A bill for an act to amend an act entitled 'An act to establish the mode of locating and changing county seats,' approved January 26th, 1856.

Lost.

C. B. No. 34, "A bill for an act to define the boundaries of Shorter county,"

And the various amendments thereto,

Taken up.

Mr. Hanscom of Douglas, moved that the House concur in the amendments proposed by the Council to the amendments of the House.

Carried.

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru."

Together with the message from the Council announcing the adherence of that body to the amendments,

Taken up.

Mr. Baker of Nemaha, moved that a committee of conference be appointed.

Carried.

Messrs. Baker, Hinsdale and Arnott appointed.

Mr. Marquette of Cass, moved that the rules be suspended, and the House take up the several revenue bills.

Withdrawn.

Friday, January 6th, 1860.

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt and the redemption of territorial warrants,"

Taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Hanscom of Douglas, moved that the further consideration of the bill be postponed until the first day of February next.

The following report was received from the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report, that they have this day presented to the Governor for his approval:

"An act to provide for the transportation of convicts, and for other purposes;"

"An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa;"

"An act to authorize Silas Babcock to construct a mill dam across Long Branch;"

"An act to authorize Thomas Patterson, Wm. H. Spratlen and G. E. Fleming to keep a ferry on the Missouri river at Rock Bluffs city in Cass county;"

"An act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county, N. T.;"

And also,

"An act to incorporate the Peru hydraulic and manufacturing company."

NOEL and REYNOLDS, Committee.

C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case,"

Taken up.

The bill by its title read a second time.

Mr. Campbell of Otoe, moved that the bill be referred to a select committee of three.

Carried.

The Speaker appointed Messrs. Campbell, Tufts and Brodhead such committee.

C. B. No. 38, "Joint resolution and memorial asking for an appropriation to build a penitentiary."

Taken up.

Read the second time.

Mr. Campbell of Otoe, moved to refer the bill to the Committee on Federal Relations.

Withdrawn.

Mr. Baker of Nemaha, moved to refer to a special committee of five.
Lost.

Mr. Campbell of Otoe, moved to amend by striking out "Bellevue" and insert "Rock Bluffs, Cass county."

Mr. Kennedy of Douglas, moved to amend the amendment by inserting "Florence."

Amendment to the amendment

Lost.

Original amendment

Lost.

Mr. Bowen of Washington, moved to amend by striking out "Bellevue" and making it read "this Territory."

Mr. Davis of Cass, moved to amend the amendment by inserting "within twelve miles of King's Hill in Cass county."

Amendment to the amendment

Lost.

Mr. Campbell of Otoe, moved to amend the amendment by inserting "Plattsmouth."

Lost.

Mr. Noel of Nemaha, moved to amend the amendment by inserting "Brownville."

Lost.

Mr. Keeling of Nemaha, moved to amend the amendment by inserting "Nemaha city."

Lost.

Mr. Reck of Platte, moved to amend the amendment by inserting "Columbus."

Lost.

Mr. Baker of Nemaha, moved to amend the amendment by inserting "Peru, Nemaha county."

Whereupon the ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Burbank, Campbell, Crowe, Davis, Keeling, Latta, Noel, Reynolds, Rogers, Stephenson and Taffe.—12.

Nays—Messrs. Adams, Arnott, Bain, Barnard, Bates, Belden, Bowen, Brodhead, Goshen, Hanscom, Hinsdale, Kennedy, Malcolm, Marquette, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Stewart and Tufts.—22.

So the amendment to the amendment was

Lost.

The question being on the original amendment, it was

Lost.

Mr. Hanscom of Douglas, moved that the rules be suspended, the bill read a third time and put upon its passage.

Carried.

Rules suspended.

Bill read by its title a third time and put upon its passage.

The ayes and nays were demanded, with the following result:

Friday, January 6th, 1860.

Ayes—Messrs. Adams, Arnott, Bain, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Goshen, Hanscom, Hinsdale, Johnson, Kennedy, Marquette, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Rogers, Shields, Stewart, Taffe and Tufts.—26.

Nays—Messrs. Baker, Campbell, Crowe, Davis, Keeling, Latta, Malcolm, Maxwell and Stephenson.—9.

So the bill

Passed.

The title was agreed to.

H. F. No. 149, "A bill for an act entitled 'An act relative to the location and changing of roads.'"

Taken up.

Read the second time.

Mr. Bowen of Washington, moved to amend by inserting "hereafter located" after the word "roads," in section 5.

Amendment adopted.

Mr. Bowen of Washington, moved to reconsider the vote by which the House adopted the amendment to section 5.

Carried.

Vote reconsidered and the amendment, by unanimous consent,

Withdrawn.

The bill by its title read a third time.

Passed and title agreed to.

H. F. No. 123, "A bill for an act for the relief of Lacey & McCormick and George Clayaes."

Taken up.

Read by its title a third time.

Passed and title agreed to.

H. F. No. 51, "A bill for an act to vacate the whole or a part of the town site of Fremont in Dodge county,"

Taken up.

On motion of Mr. Rogers of Dodge,

The bill was referred to a special committee of three.

The Speaker appointing Messrs. Rogers, Reck, and Stephenson.

Mr. Johnson of Douglas, moved to suspend the regular order of business and take up the several revenue bills.

Carried.

Call of the House ordered.

Absent—Messrs. Adams, Bain, Lake, Myers, Nuckolls of Otoe and Reck.

Mr. Burbank of Richardson, moved that all further proceedings under the call be dispensed with.

Lost.

The following message received from the Executive by the hands of his Private Secretary:

EXECUTIVE CHAMBER,
Omaha, January 6th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act to authorize Silas Babcock to erect a mill dam across Long Branch;"

"An act to provide for the transportation of criminals, and for other purposes;"

And also,

"An act to authorize Otoe county to subscribe and take stock in any rail road, located or to be located in Fremont county in the state of Iowa."

JOHN MCCONNELL,

Private Secretary.

Mr. Bowen of Washington, moved that the several bills relative to revenue, with the exception of the substitute, be indefinitely postponed.
Carried.

H. F. No. 17, substitute, "A bill for an act to amend an act entitled 'An act to provide for the assessment of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska,'" Taken up.

Mr. Bowen of Washington, moved to amend by adding as section 12: "The additional sum of ten per centum allowed the Treasurer by the 62d section of the act to which this is a supplement, on moneys collected by distress and sale of personal property and of lands be, and the same is hereby repealed."

Amendment adopted.

Mr. Bowen of Washington, moved to amend section 4, by striking out all between "and" and "shall" in the 2d and 3d lines, and by inserting "thirty six" in lieu of ten in the 3d line.

Amendment adopted.

Mr. Davis of Cass, moved to amend by adding to end of section 11, "and the territorial tax shall not exceed in any one year the sum of two mills on the dollar valuation.

Mr. Bowen of Washington, moved that the House take a recess until 2½ o'clock P. M.

Carried.

Afternoon Session—2½ o'clock P. M.

The House met pursuant to adjournment.

And having been called to order by the Speaker, the further consideration of

H. F. No. 17, substitute, "A bill for an act to provide for the assessment and valuation of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska,"

Was resumed.

Mr. Bowen of Washington, moved that the bill be engrossed and read a third time this evening.

Carried.

H. F. No. 98, "A bill for an act to authorize J. B. Weston to erect a mill dam across the Big Blue river,"

Taken up.

Read a third time.

Passed and title agreed to.

H. F. No. 133, "A bill for an act to authorize J. J. Eldridge to erect a mill dam across Wood river in Hall county,"

Taken up.

Read a third time by its title.

Passed and title agreed to.

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 145, "A bill for an act to amend the Code of Civil Procedure and to provide for the stay of execution in district courts,"

Taken up.

Mr. Campbell of Otoe, moved to amend by striking out all after the word "provided" in section 2."

Withdrawn.

Mr. Hanscom of Douglas, moved to amend section 2 by inserting in the 8th line, after the word "rendered" the words "or within twenty days thereafter;" also in the tenth line, by striking out "adjournment of such court" and insert "expiration of said twenty days."

Amendment adopted.

Mr. Bowen of Washington, moved to amend section 2 by inserting after the word "defendant," in the third line, the words "filed with the clerk of said court."

Amendment adopted.

Mr. Baker of Nemaha, moved to amend by striking out "six months," in the fourth line of section 2, and inserting in lieu thereof the words "one year."

Adopted.

Mr. Burbank of Richardson, moved to amend by adding, as a new section: "The person taking the benefit of the stay law shall give such additional security as may, to the satisfaction of the clerk, be sufficient for the payment of the judgment and cost."

Withdrawn.

Mr. Belden of Douglas, moved to amend section 3 by inserting "twenty days" instead of "ten days," in the 5th line.

Amendment adopted.

Mr. Maxwell of Cass, moved to amend section 3, in the third line, by striking out "six months" and inserting in lieu thereof "one year."

Amendment adopted.

Mr. Campbell of Otoe, moved to amend section 4, in the fourth line, by striking out "six months" and inserting "one year."

Amendment adopted.

Mr. Belding of Douglas, moved to amend section 4 by striking out "ten days" and inserting "twenty days," in the 5th line.

Amendment adopted.

Mr. Latta of Cass, moved to strike out section 5.

Carried.

Mr. Taffe of Dakota, moved to recommit the bill to a special committee of three.

Withdrawn.

Mr. Baker of Nemaha, moved to reconsider the vote by which section 5 was stricken out.

Carried.

Vote reconsidered, and

On motion,

By unanimous consent,

Withdrawn.

Mr. Nuckolls of Otoe, moved to strike out section 7.

Mr. Taffe of Dakota, moved to amend the motion to strike out by striking out "twenty," in the seventh line, and inserting "forty," and striking out all after "days," in the seventh line.

Amendment to the amendment

Adopted.

Amendment as amended

Adopted.

Mr. Maxwell of Cass, moved to amend as follows: "That the sheriff shall summon three freeholders of the county, who shall appraise the property, and if a sum equal to two-thirds the value of such appraisal is not bid for the same it shall not be sold."

Lost.

The following message received from the Council:

COUNCIL CHAMBER,
January 6th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed

C. B. No. 68, "A bill for an act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river, in Richardson county,"

And respectfully request the concurrence of your honorable body therein.

S. M. CURRAN, Chief Clerk.

Mr. Maxwell of Cass, moved to amend section 7, by inserting "one hundred and twenty days," instead of "forty days."

Declared out of order.

Mr. Campbell of Otoe, moved to amend section 10 by making this act take effect from and after its passage.

Mr. Hanscom of Douglas, moved to fill the blank in section 10 with "1st day of February."

The question occurring on the motion to make the act take effect from and after its passage, it was

Carried.

Mr. Davis of Cass, moved to amend by striking out section 9.

Lost.

Mr. Reck of Platte, moved that the bill be engrossed for a third reading on to-morrow.

Carried.

Mr. Burbank of Richardson, moved that the bill be referred to a special committee of three.

Lost.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 34, "A bill for an act to extend the time for the payment of taxes in the Territory of Nebraska,"

Have had the same under consideration, and beg leave to report, that a majority of the committee offer a substitute for said bill, and the minority recommend that the bill be indefinitely postponed.

J. C. CAMPBELL, Chairman.

H. F. No. 60, "A bill for an act to change the time of holding the district courts in the first judicial district,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 17, substitute, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska,'"

Taken up.

Bill read a third time, and

Passed.

Mr. Bowen of Washington, moved that the vote by which the House passed H. F. No. 17, be reconsidered.

Carried.

The vote being reconsidered, the question again occurred on the passage of the bill.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Campbell, Davis, Goshen, Hanscom, Hinsdale, Johnson, Kennedy, Latta, Marquette, Maxwell, Noel, Nuckolls of Otoe, Reck, Reynolds, Shields, Stephenson and Stewart.—27.

Nays—Messrs. Crowe, Keeling, McCasland, Nuckolls of Richardson, Rogers, Taffe and Tufts.—7.

So the bill passed.

The title was agreed to.

H. F. No. 8, "A bill for an act defining the crime of assault and battery and prescribing the punishment thereof,"

Taken up.

Mr. Campbell of Otoe, moved that the further consideration of the bill be indefinitely postponed.

Carried.

Mr. Brodhead of Otoe, moved to adjourn.

Lost.

Mr. Rogers of Dodge, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 51, "A bill for an act to vacate a whole or a part of the town site of the town of Fremont in Dodge county,"

Having had the same under consideration, respectfully recommend the passage of the accompanying substitute.

E. H. ROGERS, Chairman.

Mr. Rogers of Dodge, moved that the rules be suspended, and the substitute be taken up and adopted.

Lost.

Mr. Campbell of Otoe, moved to adjourn.

Lost.

H. F. No. 143, "A bill for an act to incorporate the university of Columbus in Platte county,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Maxwell of Cass, moved that the remainder of the Cass county delegation be added to the committee to whom was referred

H. F. No. 165, "A bill for an act explanatory of an act entitled 'An act to legalize the collection of taxes in Cass county for the year 1857,'"

Carried.

H. F. No. 90, "A bill for an act to restrain stock in Cass, Otoe and Nemaha counties,"

Taken up.

Ordered to be engrossed for a third reading to-morrow.

C. B. No. 72, "A bill for an act to protect game in the Territory of Nebraska,"

Taken up.

Read the third time by its title.

Passed and title agreed to.

Mr. Burbank of Richardson, moved to reconsider the vote by which the House just passed C. B. No. 72.

Lost.

Mr. Campbell of Otoe, moved to adjourn.

Lost.

C. B. No. 68, "A bill for an act to authorize Jacob M. Davis and A.

C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county,"

Taken up.

Read the first time.

Mr. Noel of Nemaha, moved that the bill be indefinitely postponed.

Lost.

Mr. Burbank of Richardson, moved that the rules be suspended, the bill by its title read a second and third time and placed upon its passage.

Carried.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Brodhead of Otoe, moved to adjourn.

Lost.

H. F. No. 140, "A bill for an act to re-enact, revise and collate certain acts and parts of acts in the Territory of Nebraska,"

Taken up.

Mr. Hanscom of Douglas, moved to postpone until to-morrow.

Lost.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Hanscom of Douglas, moved to postpone until the first day of February next.

Mr. Brodhead of Otoe, moved to adjourn.

Lost.

Mr. Hanscom of Douglas, withdrew his motion to postpone until the first day of February.

Mr. Hanscom of Douglas, moved to postpone until to-morrow.

Carried.

Mr. Hanscom of Douglas, moved to adjourn.

Carried.

House adjourned at 3½ o'clock P. M.

HOUSE OF REPRESENTATIVES,
Saturday, January 7th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and

A quorum being present, the Journal of yesterday was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
January 7th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council has passed the follow-

ing bills and to respectfully request the concurrence of your honorable body therein:

C. B. No. 78, "A bill for an act to incorporate the North Platte bridge and ferry company;"

C. B. No. 80, "A bill for an act to restrain stock from running at large in the county of Sarpy;"

C. B. No. 89, "Joint resolution, asking for a mail route;"

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Sweizey, Randall A. Brown and Henry H. Vischer to certain real estate in the city of Omaha, Nebraska Territory;"

C. B. No. 79, "A bill for an act to authorize John C. Wood to erect a mill dam across the north fork of the Great Nemaha river;"

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution."

I also return to your honorable body

H. F. No. 86, "A bill for an act to incorporate the city of Arago in Richardson county;"

H. F. No. 15, "A bill for an act to provide for the erection of a bridge across Blackbird creek;"

And also,

H. F. No. 41, "A bill for an act to establish the rate of ferriage across the Loup Fork ferry;"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Noel of Nemaha, presented the petition of the citizens of Nemaha county for the repeal of all laws now in force, restraining sheep and swine from running at large in said county.

Read, and

On motion,

Referred to a special committee, consisting of the members from Nemaha county.

Mr. Hanscom of Douglas, moved that the rules be suspended and the House take up

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

Withdrawn.

Mr. Taffe of Dakota, introduced

H. F. No. 166, "A bill for an act to dissolve the bonds of matrimony between Alexander McCartney and Bridget McCartney."

Read the first time.

On motion of Mr. Taffe of Dakota,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Barnard of Hall, introduced

H. F. No. 167, "A bill for an act for the relief of John Rickley."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended, the bill by its title read a second time and referred to a special committee of three.

Saturday, January 7th, 1860.

The Speaker appointing Messrs. Rogers, Johnson and Nuckolls of Otoe.

Mr. Baker of Nemaha, from a committee of conference, submitted the following report:

Mr. Speaker:

The committee of conference to whom was referred

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru,"

And the amendments proposed by the Council thereto, have had the same under consideration, have agreed to report the following amendments, and recommend its passage as amended, to wit:

In the second line of the Council amendment to section 4, strike out "eighty" and insert "forty;" in the third line of the Council amendment to the same section, strike out "site" and insert "grounds."

All of which is respectfully submitted.

E. S. DUNDY,	} Council.
MILLS S. REEVES,	
JNO. P. BAKER,	
JAMES M. ARNOTT,	} House.
GEO. A. HINSDALE,	

On motion of Mr. Baker of Nemaha,

The rules were suspended, and

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru,"

Taken up.

On motion of Mr. Baker of Nemaha,

The amendments proposed by the committee of conference were concurred in.

Mr. Noel of Nemaha, introduced

H. F. No. 168, "A bill for an act to dissolve the bonds of matrimony between William Skillen and Maria Skillen."

Read the first time.

Mr. Reck of Platte, introduced

H. F. No. 169, "A bill for an act to give the county commissioners of Platte county the right to grant a license for the sale of malt and spirituous liquors."

Read the first time.

Mr. Reck of Platte moved that the rules be suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Lost.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. McCasland of Pawnee, introduced

H. F. No. 170, "A bill for an act to legalize the acts of the county commissioners of Pawnee county."

Read the first time.

Mr. Keeling of Nemaha, moved that the rules be suspended, the bill

be read a second time by its title and referred to a special committee of three.

Carried.

Rules suspended.

Bill by its title read a second time, and

Messrs. Keeling, McCasland and Goshen, appointed such special committee.

Mr. Burbank of Richardson, introduced

H. F. No. 171, "A bill for an act to dissolve the bonds of matrimony between B. A. Carter, Jr., and Elizabeth Carter."

Read the first time.

On motion of Mr. Burbank of Richardson,

The rules were suspended, the bill by its title read a second time, and referred to a special committee of three.

The Speaker appointed Messrs. Burbank, Tufts and Malcolm.

Mr. Hanscom of Douglas, moved that the rules be suspended, and the House take up

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

Carried.

And the bill taken up.

Mr. Reck of Platte, moved that the bill be read section by section.

Mr. Collier of Burt, moved that the House go into Committee of the Whole on the bill under consideration.

Lost.

Mr. Collier of Burt, moved to amend section 2d, in the 2d clause, by striking out "six" before the word "hundred," and inserting "eight."

Mr. Campbell of Otoe, moved that the House go into Committee of the Whole on the bill under consideration.

Carried.

House then went into Committee of the Whole, having under consideration

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

Mr. Campbell of Otoe, in the chair.

During the session of the committee the Speaker resumed the chair for the purpose of receiving the following message from the Executive:

EXECUTIVE CHAMBER,

Omaha, January 7th, 1860. }

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body, that the following bill has been approved by him and received his signature:

"An act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek in Douglas county, N. T."

JOHN MCCONNIE,

Private Secretary.

The message having been received, the House again went into Committee of the Whole.

The House having resumed business,

Mr. Campbell, chairman of the Committee of the Whole reported progress on the part of the committee, and asked leave to sit again.

Mr. Hanscom of Douglas, moved that the House take a recess until 2 o'clock.

Carried.

Afternoon Session—2 o'clock P. M.

The House met at 2 o'clock P. M. pursuant to adjournment, and being called to order by the Speaker,

On motion of Mr. Hanscom of Douglas,

The House again went into Committee of the Whole, having under consideration

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

Mr. Campbell of Otoe, in the chair.

The Speaker resumed the chair in order to receive the following report from the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills, ask leave to report that they have this day presented to the Governor for his approval:

"An act authorizing suits upon written instruments, to be brought in the name by which the same are executed, and for other purposes;"

"An act to locate a territorial road in the counties of Nemaha and Richardson;"

"An act to organize the county of Kearney, define its boundaries and to locate the county seat thereof;"

"A memorial and joint resolution praying for an appropriation of fifty thousand dollars to construct a military road from Nebraska city to New Fort Kearney;"

"An act to locate a territorial road from Decatur to Columbus;"

"An act authorizing Stephen Story, Jasper G. Lewis and Henly R. Price to establish and keep a ferry across the Missouri river at St. Stephens in Richardson county;"

"An act to legalize the official acts of Abram Towner, a notary public in and for Cass county, Nebraska Territory;"

"An act for a territorial road from Worrall's bridge in Nemaha county, to Pawnee city;"

And also,

"A joint resolution and memorial relative to withdrawal from reservation of certain reserved lands in the Territory of Nebraska."

JESSE NOEL, Chairman.

The House again went into Committee of the Whole:

A message from the Council being announced,

The Speaker resumed the chair,

When the message as follows was received:

COUNCIL CHAMBER,
January 7th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed

C. B. No. 69, "A bill for an act to provide for copying the journals;"
And

C. B. No. 99, "A bill for an act to incorporate the town of Lafayette and establish a ferry."

And the concurrence of the House therein is respectfully requested.

I also return to your honorable body,

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska."

The same having passed the Council with the following amendments:
In the first section strike out the words "first Monday of March," and insert "second Monday of February."

In section 5, strike out the word "April," and insert "March."

In the seventh section, strike out "three thousand," and insert "five hundred."

And to respectfully request the concurrence of the House therein.

S. M. CURRAN, Chief Clerk.

The House again went into Committee of the Whole.

The House having resumed business,

Mr. Campbell of Otoe, chairman of the Committee of the Whole, submitted the following report:

Mr. Speaker.

The Committee of the Whole have had under consideration,

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers,"

And have directed me to report the same back to the House and recommend its passage with the following amendments:

Amend section 2, in the fifth line, by inserting "four" in place of "five;" also in the eighth line by inserting "five" in place of "four," with the following proviso: "Provided, the salary of the present incumbent shall be one thousand dollars for the first year of his term of office."

Amend section 14 by allowing "fifty cents" for publishing, instead of "twenty-five;" and in all written advertisements insert "fifty cents" in place of "twenty-five."

Amend section 17 so as to read "thirty cents for the first hundred words, and fifteen cents for each additional hundred."

Amend section 23 by inserting "ten cents" in place of "five," both going and returning.

Amend section 32 by inserting "weeks" in place of "months."

The committee also recommend the adoption of two additional sections, which appear upon the face of the bill.

All of which is respectfully submitted.

JOHN C. CAMPBELL, Chairman.

Saturday, January 7th, 1860.

Mr. Collier of Burt, introduced

H. F. No. 174, "A bill for an act entitled 'An act to amend the charter of Decatur.'"

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Hinsdale of Dakota, introduced

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns in Dakota county."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

Mr. Reynolds of Otoe, offered the following:

Be it resolved by the House of Representatives of the Legislative Assembly of Nebraska, That from and after Tuesday next, no charter, act of incorporation or other act, the object of which is special legislation, shall be received by this House, and that no member shall be permitted to introduce such charter or act after that date.

Laid over under the rule.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 161, "A bill for an act to provide for the election and define the duties of coroner,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment, with the recommendation that the same do pass.

All of which is most respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
JAMES TUFTS,
T. M. MARQUETTE.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 137, "A bill for an act concerning the writ of *ad quod damnum*,"

Have, according to order, had the same under consideration, and with certain amendments which appear on the face of said bill, would most

respectfully report the same back to the House with the recommendation that the same do pass.

GEO. B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
JAMES TUFTS,
T. M. MARQUETTE.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 147, "A bill for an act for holding district courts in Columbus, Platte county,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same do pass.

All of which is respectfully submitted.

GEO. B. LAKE,
D. D. BELDEN,
JAMES TUFTS,
T. M. MARQUETTE,
W. H. BRODHEAD.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 130, "A bill for an act making an appropriation for building a bridge across the Little Nemaha river,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same do not pass.

Your committee have come to this conclusion, for the reason that they have no information on the subject, which lead them to believe that the erection of the bridge which the bill proposes would be of sufficient importance to the Territory at large to justify the outlay at this time.

All of which is most respectfully submitted.

GEO. B. LAKE,
W. H. BRODHEAD,
JAMES TUFTS,
D. D. BELDEN,
T. M. MARQUETTE.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 73, "A bill for an act entitled 'An act concerning costs in certain cases,'"

Saturday, January 7th, 1860.

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the following amendments: Strike out the words "with sufficient surety," in the eleventh and twelfth lines of section 1; also strike out the words "and his surety," after the word "prosecution," in the fifth line of section 2; and that thus amended, your committee would recommend its passage.

All of which is most respectfully submitted.

GEORGE B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
JAMES TUFTS,
T. M. MARQUETTE.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 115, "A bill for an act to provide for the appointment of a clerk in each county where courts are held,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the further consideration of the same be indefinitely postponed.

All of which is respectfully submitted.

GEORGE B. LAKE,
D. D. BELDEN,
JAMES TUFTS,
W. H. BRODHEAD.

Mr. Maxwell of Cass, from a special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 165, "A bill for an act explanatory of 'An act to legalize the collection of taxes in Cass county for the year 1857,'"

Have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

SAMUEL MAXWELL,
T. M. MARQUETTE,
JOHN C. CAMPBELL,
J. N. STEPHENSON,
W. R. DAVIS.

Mr. Belden of Douglas, from the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 112, "A bill for an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts,"

Have had the same under consideration, and beg leave to report the same back to the House with certain slight amendments therein contained and most respectfully recommend its passage.

GEO. B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
T. M. MARQUETTE,
JAMES TUFTS.

Mr. Bates of Dakota, introduced

H. F. No. 173, "Joint memorial asking for an extension of mail service on the route from Dakota city to Fort Randall."

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 69, "A bill for an act to provide for the copying of the journals of the Council and House of Representatives for the sixth Legislative Assembly,"

Taken up.

Read the first time.

Mr. Brodhead of Otoe, moved that the rules be suspended, and the bill by its title read a second and third time and put upon its passage.

Lost.

On motion,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Accounts and Expenditures.

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and James D. H. O'Neal,"

Taken up.

The substitute reported by the Judiciary Committee

Adopted.

Bill read a third time.

Passed and title agreed to.

Mr. Kennedy of Douglas, chairman of the Committee on Militia, submitted the following report:

Mr. Speaker:

Your committee, to whom was referred all the proposed bills and all claims, papers and other documents relative to the disturbance on our western borders, that was created by the Pawnee Indians during the past summer, have had the subject matter under advisement and beg leave to make the following report:

On or about the first day of July, A. D. 1859, messengers bearing with them written statements, signed by prominent and well known citizens of Fontanelle and that vicinity, arrived in Omaha city. The statements referred to declared that the settlements along the Elkhorn river were being broken up by the Pawnee Indians, who were driving off the stock, destroying the crops, burning up fences and threatening

the lives of the inhabitants. Some of the letters relative to these things have been lost, but the annexed copy will be sufficient to show the state of feeling among the settlers at that time, and also give some idea of the cause of their alarm:

*To His Excellency Governor Black,
Governor of the Territory of Nebraska:*

The undersigned have been appointed a committee by the citizens of Fontanelle and vicinity, to represent to your excellency the outrages which have been and are now being perpetrated by the Pawnee Indians, and to ask assistance from the government.

On Saturday morning last, the Pawnees were encamped on the Elkhorn river, immediately west of this place; during that and the following day, and until Monday noon, were annoyed by their pilfering, scarcely a house having been exempt.

On Monday (the 21st inst) at noon, they mostly left, proceeding up the west bank of the river and crossing in small bands at every settlement, not only stealing from the settlers their provisions and cattle and breaking and distroying their furniture, and everything of value, but in every instance maltreating the owners.

Uriah Thomas, Esq., having been overpowered by them, his hands tied behind him, and upwards of \$100 in gold taken from him, and his cattle driven off.

They attacked the settlements at Catharine's Bluff, but were repulsed, after having used every means in their power except bloodshed to rob the settlers.

At Cumming creek they stole over one hundred head of cattle, a number of hogs and other stock, holding the citizens at bay with guns cocked and pointed, until they had accomplished their design, while the women and children fled for their lives.

At West Point, the men all being out on their claims, the women were met by them with the demand for provisions, and to satisfy and get rid of them they gave up an ox, which was slaughtered before their eyes. On the next day, encouraged by their success, they returned in larger numbers, but were prevented from committing any further depredations by a company of our citizens, who having been informed of the former outrages had gone thither for the protection of the settlement.

The company having learned that some depredations had been committed at the town of De Witt, divided, twenty-four of them going up to De Witt, and the balance remaining at West Point.

At about eleven o'clock this morning, were seen approaching the house of a citizen, at which all the settlers had congregated for protection, a band of Indians well armed. While approaching, they carefully examined their pieces as if expecting a defense from their attack.

The officer of the company directed his men to conceal themselves until they had got into the house, and then to take them prisoners without bloodshed.

As soon as they were in the house it was surrounded, and they were ordered to lay down their arms. This was replied to by a vigorous assault upon our men, with guns, bows and arrows, one of our men, J.

H. Peters, being wounded in the shoulder with a pistol ball. Notwithstanding the order not to fire, this occurrence made it imperative on our men to do so in self defense, and in a few minutes four Indians lay dead, and it is thought by those who were present that all were wounded. The party returned here this evening, bringing with them the women and children. The men assisted by some of our citizens are guarding their property until they can secure aid and remove thither.

In view of all these facts, thus hastily put in writing, we must respectfully ask of your excellency, with the design of holding them as hostages for the return of the property taken, valued at several thousand dollars, that you furnish us *immediately* with such aid in men, arms and ammunition (particularly lead and government caps), as may seem necessary to you, and such as you may be authorized to furnish.

Messrs. Saint and Flack, who are the bearers of this, will furnish you with the particulars of our situation and of the action, the latter having been an actor in it.

The Indians probably number seven or eight hundred warriors, while our available strength here does not exceed fifty-five or sixty men.

On behalf of the citizens of Fontenelle and vicinity.

(Signed.)

JOHN EVANS,
JOHN M. TAGGERT,
S. SEARTE,
W. M. SAINT,
Committee.

It seems that His Excellency Governor Black, was not, at the time of the arrival of the statements and petitions of the settlers on the Elkhorn, at the capital, having gone to Nebraska city, to deliver an oration upon the anniversary of American independence.

Secretary Morton, however, received the papers referred to, and immediately forwarded them to Gov. Black by special messenger. Meantime, the excitement became so great in this city, that the following communication was addressed to Secretary Morton:

Omaha City, July 3d, 1859.

Hon. J. Sterling Morton,

Secretary of the Territory of Nebraska:

In the absence of the Governor, believing that serious depredations have been and are being committed, upon the persons and property of our citizens in the counties of Dodge and Cuming, &c.,

The undersigned, respectfully request you to forthwith issue an order as Acting Governor, for a sufficient military force to protect said citizens in their persons and property.

Very respectfully,

W. Thomas Clark,
P. Golay,
O. P. Ingalls,
Jesse Lowe,
Menso W. Keith,
John I. Painter,

G. M. Mills,
A. M. Snyder,
Byron Reed,
Jas. A. Jones,
Reuben Wood,
W. M. Keith,

Saturday, January 7th, 1860.

Artemas Sahler,
 J. W. Van Nostrand,
 Wm. S. Walker,
 Thos. Riley,
 T. B. Selden,
 George Johnson,
 P. A. Demarest,
 Tim Kelley,
 O. A. Stadring,
 M. Barry,
 Thos. McNulty,
 Thos. Nelson,
 Samuel Krass,
 A. L. King,
 S. A. Megrath,
 John M. Clarke,
 John A. Parker, Jr.,
 Geo. L. Miller,
 Lyman Richardson,
 E. Estabrook,

S. S. Caldwell,
 P. F. Wilson,
 O. D. Richardson,
 H. M. Judson,
 Geo. Armstrong,
 Wm. McClelland,
 Wm. A. West,
 J. C. Reeves,
 Geo. C. Borey,
 C. B. King,
 Thos. L. Lutton,
 Leavitt L. Bowen,
 Henry Page,
 Thos. Acheson,
 J. W. Paddock,
 Geo. Clayes,
 Wm. A. Gwyer,
 A. D. Jones,
 James G. Chapman,
 Aug. Macon.

Under the organic act, Mr. Morton believed that he had no authority to act while the Governor was in the Territory, he, however, finally, upon the receipt of the same, forwarded the following to the commandant at Fort Kearney:

EXECUTIVE DEPARTMENT, Omaha, Nebraska, }
 Sunday, July 3d, 1859. }

Colonel:

The Pawnee Indians are committing depredations upon the settlers, in the counties of Dodge and Cuming in this Territory.

They have driven off one hundred head of cattle, robbed dwelling-houses, destroyed two post-offices, and attacked with guns and arrows a party of settlers and wounded one man.

The Pawnees (so messengers from there state,) muster seven or eight hundred warriors in these counties.

At the request of prominent men, and upon the representation of a majority of the people of the beleagured district, I am induced to call upon you for aid and protection. You are therefore earnestly requested to send down from Fort Kearney to Fontanelle on the Elkhorn river, a sufficient detachment of cavalry for the punishment of the Indians, and the protection of a defenseless community.

Any communication from you will be brought to me by the bearer, Mr. Thos. Acheson.

Hoping, sir, that you may immediately comply with this request,

I have the honor to be,

Your obedient servant,

J. STERLING MORTON, Secretary,

And (in the absence of the Governor)

Acting Gov. of Neb. Ter.

To Col. Charles May, Commandant of Fort Kearney, Neb. Ter.

N. B. Take the route by way of Fremont to Fontanelle.

To which the following reply was received:

HEAD QUARTERS, FORT KEARNEY,
July 5th, 1859. }

J. Sterling Morton,

Acting Governor of the Territory of Nebraska :

Sir—I am directed by Maj. Morris, commanding the post, to inform you that he has just received your letter of July 3d, 1859; and in reply he desires me to inform you, that all of his disposable force, has, by a recent order from the Department Head Quarters, been sent in the direction of Nebraska city, to protect the transportation trains of Russell, Majors & Waddell, government contractors, but that he will immediately send an express to Lieutenant B. H. Robertson, commanding company K, 2d dragoons, and order him to proceed without delay with his company, to afford the settlers the protection your communication asks for.

I am, very respectfully,
1st Lieut. W. G. GILL,
Post Adjutant.

Meantime, Major Gen. John M. Thayer, at the solicitation of many of the inhabitants of Omaha, and in compliance with the earnest petitions from Fontanelle, and other points upon the Elkhorn river, set out for the scene of the disturbances at the head of the light artillery company of Omaha city, Capt. James H. Ford in command.

Your committee can not refrain from doing justice to Gen. Thayer, by stating that his action in the matter, as well as the action of Capt. Ford, was generous, prompt and soldierlike.

Upon the evening of the 5th of July, Governor Black, with a portion of company K., United States dragoons, in command of Lieut. Robertson, arrived at Omaha, when he found the following letter from Gen. Thayer:

IN CAMP AT FONTANELLE,
July 2d, 1859. }

Hon. Samuel W. Black,

Governor of Nebraska :

Dear Sir—You have doubtless, before this, been apprised of the difficulties which brought me to this point.

I arrived here with a detachment of the Omaha light artillery squad. This morning I find much excitement prevailing in all this region, growing out of the recent Indian depredations upon the white settlers. All the settlements above this point, extending forty miles, have been entirely broken up and destroyed. I find all the statements set forth in the communication addressed to you by Messrs. Evans, Taggart & Saint are fully verified.

The Pawnees have repeatedly entered houses, and seizing the inmates have compelled them to deliver up whatever they chose to demand, and they have forced men to slaughter their own cattle for their benefit. The settlers who have been driven in, do not regard it as safe to return to their houses, for they are much scattered, and the Indians have been prowling around in such numbers as to render resistance unavailing.

Saturday, January 7th, 1860.

Their crops, which are the sole dependence of most of them, are thus left to destruction.

I am perfectly satisfied, that from the state of things now existing on this frontier, and from my knowledge of this tribe, and their former course, there can be no peace between them and the settlers, until some more decisive step is taken towards them than has ever yet been done.

It is useless to parley with them or procure promises from them. I have had enough of that, and so have the people. It is useless to get the interference of the agent, the robberies and depredations still continue.

It is the universal impression in this region that nothing but *severe* and summary chastisement, inflicted upon these Indians, will secure to this portion of the territory peace and quiet, and I fully concur in that opinion.

From the most reliable information which I can gather here, they are now in large numbers about forty miles above this place, on the south side of the Elkhorn.

I think there is now an opportunity of administering to them such a lesson as they shall not forget, and I hold myself ready under your orders to carry out that purpose.

Capt. Ford and Dr. Henry will explain to you more fully my views in regard to the matter.

Very respectfully,

Your obedient servant,

J. M. THAYER, Major General,
Nebraska Volunteers.

Upon intelligence so direct and reliable as the above, the Governor could but act promptly and decisively.

He immediately called for volunteers, procured horses and equipage from the firm of Wood & King (whose willingness to assist in the defense of the frontier was truly praiseworthy), and laid in commissary stores at the establishment of Messrs. Lacy & McCormick, and George Claves, these mercantile houses being the only ones in the city of Omaha, which would advance groceries and provisions in a cause where remuneration seemed to be hardly a probability.

We can but admire the generosity of these firms, and commend it as worthy of imitation in similar cases.

On the morning of July 6th, 1859, the dragoons under Lieut. Robertson, and a company of volunteers, the whole under the command of His Excellency, Gov. Samuel W. Black, left Omaha city en route for the endangered district.

Upon the arrival of His Excellency and command at Elkhorn city, the following communications were received:

CAMP WEST, on Maple Creek,
Eight miles north of Fremont, }
July 5th, 1859. }

To his Excellency, Samuel W. Black,
Governor of Nebraska:

I moved to this point on yesterday and have remained here to-day

awaiting orders. I have now fifty-seven men under my command, and if I receive no orders to-night I shall move up the Elkhorn in the morning.

A scouting party, sent up to West Point and De Witt, 35 miles above Fontanelle on the north side of the Elkhorn, returned to-day and report small parties of Indians hovering about, plundering and destroying all that was left by the settlers.

I therefore regard it as necessary to proceed, without further delay, to be between the Indians and the settlers. The injuries and depredations committed by them are much greater than I had supposed.

The same scenes transpired on Maple creek that took place about Fontenelle. All the inhabitants on this creek have removed their families to Fremont.

I have been embarrassed, in the absence of orders, as I desire to take no steps that will not meet with your approbation. If I should withdraw the troops, it would cause universal dissatisfaction and complaint in this section of the Territory.

I learned from a Pawnee interpreter now in camp, that when the tribe passed up through here they had about six hundred warriors, and they told him they were going to plunder the settlements.

Anything you have for me will reach me by the way of Fremont and Jalappa. Directions are left at those points for finding me.

I have the honor to be,

Very respectfully yours,

J. M. THAYER, Major-General

Nebraska Volunteers.

P. S. We cross the Maple creek at the place of Robinson's mill.

CAMP WEST,

Eight miles north of Fremont,

July 5th, 1859. }

To his Excellency Samuel W. Black,

Governor of the Territory of Nebraska:

The undersigned volunteers, to defend the lives and the property of the citizens of the frontier, menaced and attacked by the savages, beg leave most respectfully to represent to your Excellency the following statement:

We apprehend that the true state of affairs in relation to the extent and persistency of this attack is not known at the capital.

The movements of the enemy show a premeditated, organized and determined effort to entirely destroy all the settlements on the Elkhorn river above Fontenelle, and on Maple creek.

The full extent of the damage done is not yet known, but every few hours we receive advices of new depredations. For miles up this valley not a single house has been left uninjured.

The household property of the settlers has been destroyed, their provisions packed up and carried off, their gardens and fields laid waste, their stock either butchered before their eyes or driven away, and in some instances, men have been seized in their own houses, bound hand and foot, and made powerless spectators of the ruin of their fortunes; post offices have been broken open, the books and papers destroyed,

and the mail matter torn up and scattered; the carriers of the mail have been pursued and narrowly escaped. Nor has this work of destruction ceased. This day we have learned that bands of Indians are still in this vicinity, pillaging and robbing.

And now, in view of this state of facts, we beg leave most respectfully to ask your Excellency for instructions to go on and defend this frontier, and punish this merciless foe. Our presence here has already brought confidence to this people.

They are relying upon us. Under the direction of Major-General Thayer, the volunteers here have been organized, and are anxious to proceed. And we beg leave respectfully to urge, that if we return now without effecting the object for which we started, it will have a most disastrous effect upon the whole country.

E. G. McNEELY, Lieut. O. L. A.,

R. A. HOWARD,

W. THOMAS CLARKE, Q. M.,

WM. SEARIGHT, O. S.,

WM. A. WEST,

JAS. H. FORD, Capt.,

JAMES P. PECK,

R. M. HASEN, Capt.

Fremont Volunteers,

J. W. PATTERSON, Capt.

1st Co. Neb. Volunteers.

On the morning of the 7th, the command under Gov. Black moved up the Elkhorn river on the south side, and at noon of the 8th, came up with the command of Major General Thayer, encamped upon a small stream emptying into the Elkhorn. Both commands, amounting to about 200 men, mostly mounted, were, at the suggestion of Gov. Black, united into one organization, and the field and company officers elected as set forth in abstract B, which is herewith submitted and made part of this report. General Thayer assuming the immediate command of the troops at the request of Gov. Black.

The battalion then proceeded up the Elkhorn river, by forced marches following the trail over which the Indians had just passed until the morning of the 12th, at day break, the Indians were descried about two miles ahead, encamped upon the Elkhorn river, and as the command approached them they attempted to escape across the stream knowing it would be impossible for the forces to follow them.

A charge was ordered. The command pushed forward and soon came up with the main body of the Indians. A few, scattering shots were fired at the Indians, but they threw away their arms saying they "would not fight their great father."

A parley was had and a treaty made with them in writing, which was signed by the chiefs of the different bands composing the Pawnee nation, whereby they agreed to pay all damages out of their next annuity, that the settlers had suffered in consequence of their recent depredations.

They admitted that the depredations and outrages had been committed, and stipulated to desist in the future. They also said the commander might take into custody the leaders of the bands that had committed the outrages, and in consequence thereof six Indians were recognized as such and delivered up to the Governor.

The command was then ordered to move forward, and proceeding in a southerly direction, it arrived at Columbus on the 17th, and from thence

moved down the Platte valley, reaching Omaha on the 20th, when and where the same was disbanded.

For a more exact statement the report of Major General Thayer is herewith submitted and marked A, abstract B and C and map marked D, and other papers and documents referring to the expedition, which are made a part of this report.

In conclusion your committee would respectfully submit that great credit is due to his excellency Samuel W. Black and Major General John M. Thayer for the prompt and energetic manner in which they proceeded to protect the settlers, and that nothing but such decisive action could have restored peace and security to the exposed frontier, and that it was absolutely necessary to prevent the abandonment of that rich and fertile region, and that great good has resulted therefrom both to the settlers and to the Indians; first, in assuring the settlers that they would be protected in their homes and property by the government, and second, in showing the Indians that they would be severely punished for committing wanton depredations and outrages. Its effect upon the Indians has been, in this respect, very perceptible, and peace and quietude have reigned upon the frontier ever since.

Your committee therefore recommend the adoption of the following joint resolution and memorial:

Resolved by the Council and House of Representatives of the Territory of Nebraska, That J. Sterling Morton, Secretary of this Territory, be requested to transmit the following report, together with all the papers accompanying the same to Hon. Jacob Thompson the Secretary of the Interior, with our earnest request that he will take speedy and effective action in regard to these claims which are so manifestly just and meritorious; and that the Honorable the Secretary be requested to recommend, for this specific purpose, an appropriation of twenty thousand dollars.

And that our delegate in Congress be and is hereby requested to give this matter his special attention and use all just means in his power to obtain the appropriation asked for, at as early a day as possible.

All of which is respectfully submitted.

GEORGE F. KENNEDY,
C. A. GOSHEN,
W. S. LATTA.

PAPERS ACCOMPANYING THE REPORT.

Report of Major General John M. Thayer.

HEAD QUARTERS OF THE DIVISION OF NEBRASKA VOLUNTEERS, }
Omaha, Nebraska, July 23d, 1859. }

*To the Hon. Samuel W. Black,
Governor of Nebraska Territory:*

Sir — On the first day of July, 1859, an express reached this city, bringing the intelligence that the Pawnee Indians were encamped in large numbers above Fontanelle, and were committing extensive depredations upon all the settlements bordering upon the Elkhorn river, and also a petition, asking for immediate aid in men and ammunition.

By the advice of Secretary Morton, I took with me a detachment of the Omaha light artillery, commanded by Captain James H. Ford. I proceeded immediately to Fontanelle, for the purpose of ascertaining the condition of the frontier and reporting to your Excellency. I found the whole frontier north from Elkhorn city, as far as the settlements extended in that direction (some 60 miles), in a state of great excitement and alarm. Every settlement on Maple creek and up the Elkhorn river, had been plundered, much property destroyed, many cattle killed or driven away, houses rifled of everything valuable, and the settlers driven into Fontanelle and the towns on the Missouri river.

The post office at De Witt was plundered and its papers destroyed. Desolation marked the trail of the Indians along Maple creek and the Elkhorn. The circumstances demanded prompt action. The settlers would not return to their homes unless steps were immediately taken to cause a cessation of the outrages and to prevent their recurrence for the future. They were exceedingly anxious to pursue the Indians and to secure satisfaction from them. Nothing else would satisfy them and restore confidence to that portion of the Territory. I therefore determined to take a sufficient number of men and overtake the Indians. The Fontanelle and Fremont companies volunteered their services. With this force I started on the 6th, taking the Pawnee trail.

On the 8th at day light your Excellency reached my camp accompanied by Lieut. B. H. Robertson and a detachment of the U. S. 2nd dragoons, and by Capt. Kennedy and his company of mounted volunteers.

Under your orders the troops were then organized as follows:

Lieut. Robertson was elected Lieut. Colonel; Capt. Reed was elected Major; Capt. Kennedy was elected Captain of the first company of Dragoons, including the detachment of U. S. Dragoons; Capt. Hazen was elected Captain of the 2d Dragoons; Capt. Kline was elected Captain of the 1st Infantry; Capt. Weaver was elected Captain of the 2d Infantry; the latter company having joined us on the 9th.

We then resumed our march, and on the afternoon of the 12th we passed the camp of a friendly Omaha Indian from whom we learned that the Pawnees were encamped about six miles ahead and the Omahas were close by them. We then went into camp.

Fearing that the two tribes might become mingled when we reached the camp of the Pawnees it was arranged through the friendly Indian above named, with the chiefs of the Omaha Indians, that their tribe should leave their camp at a very early hour the next morning, and remove some distance from the Pawnees. At two o'clock on the morning of the 12th we took up our line of march and came up with the Pawnees a little after the break of day, when they at once threw down their arms and surrendered. They admitted to your Excellency that some of the young men of their tribe had committed the depredations complained of, and proposed to deliver them up as prisoners.

They accordingly brought forward six of the most guilty as prisoners who were placed under guard of the troops. The chiefs also agreed in writing that all the damages done to the settlers should be paid out of their annuities.

Believing that the object of the expedition had been accomplished,

we commenced our homeward march, taking a route across the country to Beaver creek and down that stream to Geneva, and thence to Columbus, where the troops were mustered, with three days' rations allowed them to reach their homes, making the service expire on the 20th inst.

I can not speak in too high terms of the soldierly conduct and bearing, and the prompt performance of every duty, both of the officers and the men connected with the expedition. Without being invidious, I must be permitted to make most honorable mention of the services rendered by Samuel R. Curtis, Colonel, of Iowa, and Lieutenant B. H. Robertson, U. S. A. All proved themselves to be true soldiers.

In closing this report, I can not too strongly express my decided conviction, that nothing but the prompt and decisive measures adopted by your Excellency could have restored peace and security to the frontier, and I know that this is the universal conviction of the settlers up the valley of the Platte and along the Elkhorn river. Every year since the organization of the Territory, these people have been subjected to a series of depredations and outrages by the Pawnee Indians. This year they have been carried to such an extent as to compel many to leave that portion of the Territory.

The course which your Excellency pursued was absolutely indispensable to prevent the abandonment of the settlements of that region.

Complete returns of all those engaged in that expedition are herewith rendered.

I have the honor to be,

Very respectfully yours,

JOHN M. THAYER, Major General,

Nebraska Volunteers,

And Commandant in the Expedition.

ABSTRACT OF CONTINGENT EXPENSES

Incurred by the Nebraska volunteers in the campaign of July, 1859, against the Pawnee Indians:

No. of voucher.	Amount.
1. Thomas Achison, carrying dispatch to Fort Kearney,	\$50.00
2. Samuel W. Black, transporting interpreter and provisions,	20.00
3. John Browner, corn and provisions furnished troops,	8.00
4. James H. Ford, provisions, &c., furnished troops,	155.35
5. Milton Rogers, hardware, &c., furnished troops,	15.80
6. Megrath, Richards & Co., provisions, &c., furnished troops,	9.10
7. James H. Ford, druggist, medicines, &c., furnished troops,	39.80
8. A. H. Blair, provisions furnished troops,	8.95
9. Western stage company, transporting message to Fort Kearney	50.00
10. Lacey & McCormick, provisions, &c., furnished troops,	445.70
11. Charles P. Storrs, provisions, &c., furnished troops,	45.75
12. John Rickley, beef, bacon, corn, &c., furnished troops,	137.25
13. J. Beecher & Co., flour, coffee, sugar, &c., furnished troops,	225.00
Amount carried forward,	\$1210.70

No. of voucher.	Amount.
Amount brought forward,	\$1210.70
14. Charles Turner, one army duck wall tent, 10x10,	15.00
15. George L. Nelson, one tent, &c., furnished troops,	11.50
16. W. R. Artman, sugar, potatoes, flour, vegetables, &c., . . .	12.00
17. John McClelland, molasses, spades, &c.,	11.75
18. George Clayes, hams, vinegar, salt, bread, &c.,	293.80
19. Wm. Sexaner, use of horses, loss of one horse, &c.,	26.00
20. Emmet Homan, use of saddles and bridles, &c.,	69.00
21. James H. Peters, guarding and boarding prisoners, seven- teen days,	51.00
22. Louis Sancouse, services as guide to the troops four days, . .	20.00
23. Wm. A. West, cash expended for provisions during the campaign,	
24. Mrs. J. E. Nye, use of horse during campaign, and one saddle fourteen days,	60.00
25. John A. Howard, services in procuring interpreter,	10.00
26. George F. Kennedy, cash expended for provisions, &c., . . .	25.42
27. Wm. J. Kennedy, services sixteen days in charge of muni- tion stores, &c.,	48.00
28. Robert Mooreland, bill for loss of horse, &c.,	140.00
Total,	\$2,152.92

I certify that I have carefully examined the vouchers referred to in the above abstract and approve the accounts as therein stated; that the amount charged for provisions, ammunition and other supplies are reasonable and correct and were furnished for said expedition, and that the same (or any part thereof) has not been paid and is justly due to the various parties from the United States, &c.

JOHN M. THAYER, Major General
Commanding the Expedition.

Omaha, N. T., Dec. 31st, 1859.

I certify that the foregoing accounts as certified by General Thayer are correct and just.

SAM'L W. BLACK,
Governor of Nebraska.

Executive Chamber, Dec. 31st, 1859.

ABSTRACT B.

Descriptive list of the persons employed in the campaign against the Pawnee Indians in the Territory of Nebraska, commencing July the first, A. D. 1859, and terminating on the twentieth day of July, A. D. 1859:

Company No. 1, Omaha Light Artillery.

Officers.—Captain, Jas. H. Ford; 1st Lieutenant, E. G. McNeely; 1st Sergeant, Wm. Searight.

Privates.—George Armstrong, Robert M. Daniels, Ed. B. Hepburn, Thos. O. Donnell, Wm. F. Wilder, W. T. Clarke, Hobart Ford, D. W.

Hitchcock, Henry Page, Albert G. Clarke, Geo. W. Hepburn, Geo. L. Nelson, Samuel F. Page.

Total number of men,.....	16
do of horses,.....	21
Days in service,.....	20
Baggage wagon,.....	1
One gun, six-pounder.	

Company No. 2, 1st Dragoons.

Officers.—Captain, Geo. F. Kenedy; 1st Lieutenant, J. C. Reeves; 2d Lieutenant, C. A. Henry; 1st Sergeant, J. S. Bowen; 2d Sergeant, S. A. Lowe; 3d Sergeant, Thos. Heaton; 4th Sergeant, R. E. Bowie; 1st Corporal, J. C. Seely; 2d Corporal, T. B. Burton; 3d Corporal, J. G. Chapman; 4th Corporal, Robert Daily.

Privates.—J. M. Pattison, T. W. Robinson, T. A. Bender, Louis Bowviar, S. E. Seely, Geo. Gray, James Harsburger, John Lyons, E. P. Brewster, C. D. Woolworth, Ed. O'Neil, W. D. Thomas, Abram Dennis, James H. Deland, Henry A. Bender, Geo. W. Van Sant, Joseph Johnson, Jesse Reeves, Hugh Casady, John McConihe, George Lawrence, E. C. Blakely, O. B. Whitford, A. S. Paddock, C. F. Hilton, Geo. W. Vaughan, — McMillan.

In this company were the following teamsters and wagons: James E. North, two-horse wagon; Alex. Limpton, two-horse wagon; Hiram Johnson, two-horse wagon; Fred. Hoffman, two-horse wagon.

Total number of men,.....	52
do of horses,.....	57
do of days in service,.....	16

Company No. 3, 2d Dragoons.

Officers.—Captain, R. W. Hazen; 1st Sergeant, Abram McNiel; 1st Lieutenant, Wm. West; 2d Lieutenant, H. C. Campbell.

Privates.—Hobart Kettle, T. F. Reynolds, G. O. Lathman, Arthur Bloomer, James Harrington, D. G. Selden, L. Mackerson, John Bleek, B. G. Turner, Lewis Walter, C. C. Stewart, John Knowel, Geo. Turner, H. F. Wolcott, James Caton, M. Johnson, Wm. Burton, W. G. Bingham, H. J. Robinson, M. Herman, James Lee, A. M. Youst, B. F. Esterbrook, Henry A. Pierce, E. Fuller, T. J. Carpenter, T. F. Riggs, Ferdinand Gaunt, Robert Mooreland, L. H. Rogers, O. A. Hinebaugh, J. J. Hawthorne, M. J. Graham, Wm. Lee, Henry Allen, David Valentine, George M. Davis.

Total number of men,.....	51
do of horses,.....	46
do of wagons,.....	5
do of days in service,.....	16

Company No. 4, Fontanelle Mounted Rifles.

Officers.—Captain, Wm. Kline; 1st Lieutenant, James A. Bell, 2d Lieutenant, Wm. S. Flack; 1st Sergeant, John H. Francis, 2d Sergeant,

Wm. M. Saint; 3d Sergeant, George S. Luston; 4th Sergeant, James C. Crawford.

Privates.—Wm. H. Whittier, Moses Wegan, B. F. Hancock, John Miller, George Hindley, W. R. Artemas, Thomas S. Patterson, Amos H. Bush, Wm. Kniger, Henry W. Depuy, James Sloss, John T. Bell, John McClelland, Uriah Thomas, Samuel W. Lindsey, H. Y. McCandlish, John Ragansock, T. H. Graham, George Shetland, Casper Aberline, S. B. Turner, John B. Watterman, Thomas H. Carraga, Julius Klarry, George Young, Wm. Lansing, Wm. F. Hecker, Aug. L. Ward, Robert Miller, John Schadman, Jos. McCurrahm, Alex. Morrison, John H. Williams.

Total number of men,.....	40
do of horses,.....	36
do of wagons,	6
Number of days in service,.....	16

Company No. 5, Columbus Infantry.

Officers.—Captain, Michael Weaver; 1st Lieutenant, Wm. Grauman; 1st Sergeant, John Browner.

Privates.—Andy Badman, Adam Danke, John Handy, Frank Heughe, Vincent Kramer, Cyrus Tullman, Henry Lusk, James McMillan, Samuel Parkinson, Michael Quinn, Charles A. Spence, Barney Quinn, Amos Bush, Michael Est, John Held, Jacob Harris, Henry Lozeke, George Vanzant, George Lawrence, Peter Myer, Charles Pearce, Chas. Rankey, John A. Williams, Wm. Destelhorse, Fred. Gotschalk, Jas. Harshberger, Charles H. Hughes, Byron L. Kinner, Herman Lozeke, Jacob Lewis, James North, Webber I. Pearce, George Russell, Jacob Yates.

Total number of men,.....	37
do of horses,.....	11
do of baggage wagons,	4
Days in service,.....	16

Company No. 6, Columbus Guards.

Officers.—Captain, J. Rickley; 1st Lieutenant, J. P. Becker; 2d Lieutenant, J. C. Woolfel.

Privates.—Leander Gerard, John Deneen, Patrick Murray, Patrick Gleason, Michael Smith, J. J. Rickley, Jr., Thomas Lynch, Adam Smith.

Total number of men,.....	11
Days in service,.....	6

Regimental Officers.—His Excellency, Samuel W. Black, Commander in Chief; John M. Thayer, Major General; Wm. A. West, Colonel; B. H. Robertson, U. S. A., Lieutenant Colonel; Samuel R. Curtis, Inspector General; Experience Estabrook, Adjutant; — Reed, Major; W. Thomas Clarke, Quartermaster; Albert U. Wyman, Commissary; Henry Page, Wagon Master. Surgeons: J. P. Peck, first; Wm. McClelland, second.

RECAPITULATION.

NAME OF COMPANIES.		Number of men.	Number of horses.	Number of wagons	No. days' service.
Company No. 1, Omaha Light Artillery,*..		16	21	1	20
do No. 2, First Dragoons,.....		52	57	4	16
do No. 3, Second Dragoons,.....		51	46	5	16
do No. 4, Fontanelle Mounted Rifles,		40	36	6	16
do No. 5, Columbus Infantry,.....		37	11	4	16
do No. 6, Columbus Guards,		11	..	..	6

Staff Officers of His Excellency Samuel W. Black, Commander-in-chief.—Lieutenant-Colonels, John McConihe, R. E. Bowie, C. D. Woolworth, Samuel A. Lowe.

Staff Officers of Major-General J. M. Thayer.—Captains, R. H. Howard, A. S. Paddock, Witt Black, J. W. Pattison.

Omaha City, Douglas County, Nebraska Territory:

I hereby certify that I have carefully examined the above abstract, and having compared the same with the original muster rolls, find it to be correct. The number of men, horses and wagons, and the terms of service, are correctly set forth. JOHN M. THAYER, Major-General,
Commanding this Expedition.

I certify that the foregoing abstract as certified by General Thayer, is correct.

SAMUEL W. BLACK,
Governor of Nebraska.

Executive Chamber, Omaha, Dec. 31st, 1859.

Company No. 1, Omaha Light Artillery.

Officers.—Captain, James H. Ford; Lieutenant, E. G. McNeely; Orderly Sergeant, Wm. Searight.

Privates.—Geo. Armstrong, Wm. T. Clarke, Albert G. Clarke, R. M. Daniels, Hobart Ford, Geo. W. Hepburn, Ed. B. Hepburn, D. W. Hitchcock, Geo. L. Nelson, Thos. O'Donnell, Henry Page, Lane F. Page, Wm. F. Wilder.

In this company there were twenty-one horses, one baggage wagon, and one gun (6 pounds); total number of days in service, twenty.

WM. SEARIGHT, O. S.

JAS. H. FORD, Captain.

Executive Chamber, Territory of Nebraska:

I have examined the muster roll of the above company, and find the

* This Company had, on the expedition, one gun—a six pounder; each officer had one horse; each surgeon had one horse on the expedition.

Saturday, January 7th, 1860.

list of men to be correct, and also the number of horses, as set forth. The company was mustered July 1st, and dismissed July 20th, 1859.

SAMUEL W. BLACK,
Governor of Nebraska.

Dated Omaha, Nov. 11th, 1859.

Company No. 2, First Company of Dragoons.

Officers.—Captain, Geo. F. Kenedy; 1st Lieutenant, J. C. Reeves; 2nd Lieutenant, C. A. Henry. Corporals: 1st, J. C. Seely; 2d, J. B. Burton; 3d, J. G. Chapman; 4th, Robert Daly. Sergeants: 1st, J. S. Bowen; 2d, L. A. Lowe; 3d, Thos. Heaton; 4th, R. E. Bowie.

Privates.—J. M. Pattison, C. D. Woolworth, Henry Cassady, J. W. Robinson, Ed. O'Neil, John McConihe, J. A. Bender, W. D. Thomas, Geo. Lawrence, Louis Bourier, Abram Dennis, E. C. Blakely, S. E. Seely, Jas. H. Deland, Hiram Bender, C. A. Whitford, O. B. Whitford, George Gray, Henry A. Bender, A. S. Paddock, Jas. Harshberger, George W. VanSant, C. L. Hilton, John Lyons, Jos. Johnson, Geo. McNaughton, E. P. Brewster, Jesse Reeves, — McMillan, Geo. McNaughton, J. Brown, Wm. H. Clement, Byron Skinner, Witt A. Black, H. Sholls, George Rusch, C. A. Spease.

Teamsters with Two Horse Wagon.—Jas. E. North, Alex. Livingston, Hiram Johnson, Frederick Hoffman.

Captain Kennedy had two horses. Each of the company had one horse.

Total number of men in company, including officers and privates,	48
do of teamsters,	4
Total number of men,	52
Total number of horses,	57
do of days in service,	16

Attest,

GEORGE F. KENNEDY,
Capt. 1st Dragoons.

Executive Chamber, Territory of Nebraska:

I have examined the muster roll of the above company, and find the list of men, the number of horses and wagons, as above set forth, to be correct. The company was mustered July 4, 1859, and disbanded July 20, 1859; in all, 16 days' service.

SAM'L. W. BLACK,
Gov. of Nebraska Territory.

Dated Omaha, Dec. 14th, 1859.

Company No. 3, Fremont Company, 2d Dragoons.

Officers.—Captain, R. W. Hazen; 1st Lieutenant, Wm. West; 2d Lieutenant, H. C. Campbell; Orderly Sergeant, Abram McNeil.

Privates.—Hobart Kittle, Wm. Burton, Lewis Walter, G. O. Latham, H. J. Robinson, Jno. Knowel, Jas. Harrington, James Lee, H. P. Wolcott, L. Mackerson, B. F. Esterbrook, Michael Johnson, E. Fuller, Wm. Lee, O. A. Hinnebaugh, J. F. Riggs, David Valentine, M. J. Graham, Benj. G. Turner, J. F. Reynolds, W. G. Bingham, C. E. Stewart, Arthur

Bloomer, Michael Herman, Geo. Turner, D. G. Selden, A. M. Youst, James Caton, Jno. Beebee, Henry A. Pierce, L. H. Rogers, T. J. Carpenter, Henry Allen, J. J. Hawthorne, Ferdinand Gower, George M. Davis.

There were employed in this company forty-six horses, five baggage and ammunition wagons. The company was mustered July 4th, 1859, and finally disbanded July the 20th, 1859.

Executive Chamber, Nebraska Territory:

I, Samuel W. Black, do hereby certify that I have examined the muster roll of the above company and find the list of men to be correct and the number of horses and wagons above set forth to be correct; also the company was mustered July 4th and disbanded July 20th, 1859.

SAM'L W. BLACK,

Governor of Nebraska.

Dated Omaha, Nov. 11th, 1859.

Muster Roll of Company No. 4, being the Fontanelle Company of Mounted Rifles.

Officers.—Captain, Wm. Kline; 1st Lieutenant, James A. Bell; 2d Lieutenant, Wm. S. Flack; Orderly Sergeant, John H. Francis; Sergeant, Wm. M. Saint; 3d Sergeant, George J. Larton; 4th Sergeant, Jas. C. Crawford; Ensign for Regiment, Wm. H. Whitier.

Privates.—John G. Bell, Thos. A. Canega, Morris Wegan, Jno. McClelland, Julius Klantz, Benj. F. Hancock, Uriah Thomas, George Young, Jno. Miller, Sam. W. Lindsey, Wm. Lansing, George Hindley, H. T. McCandlish, Wm. F. Hecker, Willoughby R. Artman, Jno. Raggensock, Aug. L. Ward, Thos. P. Patterson, J. H. Graham, Robt. Miller, Amos A. Bash, Geo. Sweltland, Jno. Schademan, Wm. Kruger, Casper Aberline, John McCurraghan, Henry W. Depuy, Z. B. Turner, Alex. Morrison, James Slop, Jno. B. Watterman, Jno. H. Williams.

There were employed in this company thirty-six horses and six wagons; sixteen days in service.

Executive Chamber, Territory of Nebraska:

I, Samuel W. Black, do hereby certify that I have examined the muster roll of the above company, and find the list of men to be correct, and the number of horses and wagons above set forth, to be correct; also, the company was mustered July the 4th, and disbanded July the 20th, 1859.

SAMUEL W. BLACK,

Governor of Nebraska.

Dated Omaha, Nov. 11th, 1859.

Muster Roll of Company No. 5, Columbus Infantry.

Officers.—Captain, Michael Weaver; 1st Lieutenant, Wm. Grauman; Orderly Sergeant, John Browner.

Privates.—Andy Badman, Amos Bush, Wm. Distelhurst, Adam Dunk, Michael Erb, Fred Gotschalk, John Handy, John Held, James Harshberger, Frank Heughe, Jacob Harris, Charles H. Hughes, Vincent Kramer, Henry Loseke, Byron Skinner, Cyrus Tallman, George Van Zandt, Herman Loseke, Henry Lusk, George Lawrence, Jacob Lewis, James

Saturday, January 7th, 1860.

McMillan, Peter Myer, James North, Samuel Parkinson, Charles Pearce, Webber J. Pearce, Michael Quinn, Barney Quinn, Charles Rankey, George Russell, Charles A. Spence, John Williams, Jacob Yates.

In this company there were eleven horses and four baggage wagons.

Executive Chamber, Territory of Nebraska:

I have examined the muster roll of the above company, and find the list of men to be correct, and also the number of horses and wagons. They were mustered July 4th, and disbanded July 20th, 1859.

SAMUEL W. BLACK,
Governor of Nebraska.

Dated Omaha, Nov. 11th, 1859.

COLUMBUS, N. T., July 15th, 1859.

Muster Roll of Company No. 6, Columbus Guards.

	No. days in service.	Saddle horses in service.	2 horse teams and wagons in service.	Remarks.
J. Rickley, Capt.....	11	3	8	from July 5th to 15th inc.
J. P. Becker, 1st Lieut....	5	1	..	do 8th to 12th do
J. C. Wolfel, 2d do ...	3	2	..	do 11th to 13th do
Leander Gerard,.....	3	3	..	do 13th to 15th do
Patrick Gleason,.....	8	..	..	do 8th to 15th do
Thomas Lynch,.....	8	..	..	do 8th to 15th do
John Denien,.....	8	..	..	do 8th to 15th do
Michael Smith,.....	8	1	..	do 8th to 15th do
Adam Smith,.....	8	..	3	do 8th to 15th do
Patrick Murray,.....	8	..	2	do 8th to 15th do
J. J. Reckley, Jr.,.....	5	2	..	do 11th to 15th do

Average days in service,..... 6

To Albert Clarke, Esq.:

This company was mostly provisioned by the undersigned at his own expense, part of which was made good by extra rations when we fell in with the main army at Geneva.

Respectfully yours,

J. RICKLEY, Captain.

Mr. Johnson of Douglas, moved to print 500 copies of the report.

Whereupon the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Barnard, Bates, Belden, Bowen, Brodhead,

Monday, January 9th, 1860.

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Collier, Goshen, Johnson, Keeling, Kennedy, Reck, Reynolds, Rogers, Shields, Stewart and Tufts.—17.

Nays—Messrs. Bain, Baker, Burbank, Campbell, Crowe, Davis, Hanscom, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Stephenson and Taffe.—17.

So the motion to print was

Lost.

Mr. Nuckolls of Otoe, moved to adjourn.

Withdrawn.

H. F. No. 29, "A bill for an act to establish a territorial road from Decatur to Columbus,"

Taken up.

On motion of Mr. Collier of Burt,

The bill was read a third time and put upon its passage.

Bill passed and title agreed to.

Mr. Nuckolls of Otoe, moved to adjourn.

Lost.

On motion of Mr. Reynolds of Otoe,

The joint resolution embodied in the report of the Committee on Militia, was

Read a second and third time by its title.

Passed and title agreed to.

Mr. Reynolds of Otoe, moved that 300 copies of the report be printed.

Mr. Nuckolls of Otoe, moved to adjourn.

Lost.

Mr. Nuckolls of Otoe, moved to lay the motion to print on the table.

Carried.

Mr. Rogers of Dodge, moved to adjourn.

Carried.

House adjourned at 5½ o'clock P. M.

HOUSE OF REPRESENTATIVES,

Monday, January 9th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,

January 9th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed

C. B. No. 96, "A bill for an act to define the boundaries of Nuckolls county;"

C. B. No. 95, "A bill for an act to authorize Jesse Coleman and others to make a road and build a bridge;"

C. B. No. 92, "Joint resolution relative to printing the laws and journals;"

C. B. No. 93, "Joint resolution relative to correcting errors in the laws, joint resolutions and memorials of the sixth session of the Legislative Assembly;"

C. B. No. 86, "A bill for an act to change and redefine the boundaries of Dixon, Cedar and L'eau-qui-Court counties;"

C. B. No. 84, "A bill for an act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide for the manner of paying for the same;"

C. B. No. 82, "A bill for an act to provide for the settlement of the accounts of the Territorial Treasurer;"

C. B. No. 47, "A bill for an act fixing the salary of district attorneys and providing for the payment of the same;"

And,

C. B. No. — "A bill for an act to locate a territorial road from De Soto in Washington county to Fontanelle in Dodge county;"

And the concurrence of your honorable body therein is respectfully requested.

I herewith return to your honorable body,

H. F. No. 60, "A bill for an act entitled 'An act fixing the times for holding the district courts in the first judicial district;'"

H. F. No. 160, "A bill for an act to amend an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, N. T.;'"

And, also

H. F. No. 156, "A bill for an act to authorize John Maulding and Cyrus Wright to erect a mill dam across the Great Nemaha river in Johnson county;"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Baker of Nemaha, presented the remonstrance of the citizens of Nemaha county against the passage of a law repealing the law restraining stock in a portion of that county.

Read and referred to the Nemaha county delegation.

The Speaker presented the following from the citizens of Dodge county:

Resolved, That we hereby solicit the Council and House of Representatives of the Territory of Nebraska to pass a bill making the west line of Washington county as follows: Commencing on the Platte river on the line between townships six and seven, east of the sixth principal meridian, and running north to Burt county; and if this can not be done, to let the lines of Dodge county remain as they are.

Read and referred to the Committee on Boundaries and County Seats.

Mr. Arnott of Sarpy, introduced

H. F. No. 175, "A bill to locate and establish a territorial road com-

mening at the junction of the Pappillion creek, thence to Omaha city."

Read the first time.

On motion,

The rules were suspended the bill by its title read a second time, and referred to the Committee on Roads.

Mr. Malcolm of Douglas, introduced

H. F. No. 176, "A bill for an act to organize and define the boundaries of Wood river county."

Read the first time.

Mr. Keeling of Nemaha, introduced

H. F. No. 177, "A bill for an act to authorize Silas Tidwell to keep and run a ferry at the mouth of the Little Nemaha river."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the members from Nemaha county.

Mr. Reck of Platte, introduced

H. F. No. 178, "Joint resolution relative to the payment of the Enrolling and Engrossing Clerks."

Read the first time.

Mr. Shields of Sarpy, moved that the rules be suspended, the bill be read a second and third time and put upon its passage.

Withdrawn.

Mr. Hanscom of Douglas, introduced

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. and R. McMurray to keep and run a ferry across the Platte river."

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Keeling of Nemaha, introduced

H. F. No. 180, "A bill for an act to amend an act to incorporate Nemaha city in the county of Nemaha."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Marquette of Cass, offered the following:

Resolved, That hereafter, on each day of the session, the House will take a recess from 5½ to 7 o'clock P. M.

Laid over under the rule.

Mr. Reynolds of Otoe, called up his resolution preventing the introduction of special bills after Tuesday next.

The question being on its adoption, the ayes and nays were demanded; with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Belden, Bowen, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Keeling, Kennedy,

Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Noel, Nuckolls of Otoe, Reck, Reynolds, Shields, Stephenson, Stewart and Taffe.—29.

Nays—Messrs. Burbank, Hinsdale, Johnson, McCasland, Nuckolls of Richardson and Tufts.—6.

So the resolution was
Adopted.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report H. F. No. 157;

Also,

"A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1857;"

"An act to amend the code of civil procedure and to provide for the stay of execution in district courts;"

"A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha;"

And also,

"A joint resolution and memorial relative to the indemnifying of certain citizens of Nebraska for losses sustained by the location of the Pawnee reservation;"

As correctly engrossed.

JESSE NOEL,
MILTON W. REYNOLDS.

Mr. Belden of Douglas, on leave, introduced
H. F. No. 181, "A bill for an act to incorporate the Lutheran church of Omaha city."

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Arnott of Sarpy, Chairman of the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 155, "A bill for an act for the relief of road district 7 in Sarpy county, N. T.;"

H. F. No. 162, "A bill for an act to locate and establish a territorial road from Omaha city to Lemuel Ireland's, in Sarpy county, N. T.;"

C. B. No. 63, "A bill for an act to establish a territorial road from Ionia to Fontenelle;"

And

C. B. No. 51, "A bill for an act to locate a territorial road in Cass county;"

Having had the same under consideration, report the Council bills back to the House without recommendation, and recommend the passage of the House bills.

JAMES M. ARNOTT, Chairman.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 69, "A bill for an act to provide for copying the journals,"

Having had the same under consideration, most respectfully report the same back to the House and recommend its passage.

W. W. KEELING,
JOHN S. BOWEN,
W. R. DAVIS,
J. N. STEPHENSON,
E. H. ROGERS.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 65, "A bill for an act to amend 'An act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska;'"

H. F. No. 92, "A bill for an act to amend 'An act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska;'"

And also,

H. F. No. 169, "A bill for an act to give the county commissioners of Platte county a right to grant licenses for the sale of malt, spirituous and vinous liquors;"

Having had the same under consideration, report a substitute for the two first, and recommend that it do pass, and that the other bill named above be indefinitely postponed.

H. JOHNSON, Chairman.

Mr. Burbank of Richardson, from special committee, submitted the following report:

Mr. Speaker.

Your committee to whom was referred

H. F. No. 171, "A bill for an act to dissolve the bonds of matrimony between B. A. Carter, Jr., and Elizabeth Carter,"

Having had the same under consideration, report the same back to the House and recommend its passage.

J. ED. BURBANK, Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 29, "A bill for an act to incorporate the South Pass bridge company,"

Having had the same under consideration, have instructed me to report the same back to the House with the following amendment: Amend section 4 in the second line, by striking out the word "ten" and inserting the word "five."

Also,

C. B. No. 49, "A bill for an act to authorize Peter A. Sarpy to keep a ferry across the Loup Fork in Monroe county,"

With the following amendment: Strike out section 2 and insert "said exclusive privilege shall commence at a point two miles east of Looking Glass creek, and extend down said river to the western boundary of the ferry privilege known as the Pawnee ferry, granted to Daniel C. Oaks and associates in the year 1855."

And to recommend the passage of the bill so amended.

A. J. HANSCOM, Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city,"

Having had the same under consideration, have instructed me to report the bill back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 139, "A bill for an act to provide for the election of assessors, supervisors of roads, judges of election, justices of the peace and constables,"

Have had the same under consideration according to order, and have instructed me to report the same back to the House without recommendation.

All of which is respectfully submitted.

GEORGE B. LAKE, Chairman
of Judiciary Com.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county,"

Having had the same under consideration beg leave to report the same back to the House with the accompanying substitute and recommend that said substitute do pass. Also,

H. F. No. 134, "A bill for an act to change and better define the boundary lines of Butler county,"

Your committee would report back to the House without recommendation.

JAMES TUFTS, Chairman.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred the following bills, viz:

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty;"

H. F. No. 144, "An act to incorporate the Johnson county agricultural, literary and library association;"

H. F. No. 154, "A bill for an act to incorporate a university to be located in Richardson county;"

H. F. No. 142, "A bill for an act to incorporate the Loup Fork bridge company at Columbus;"

C. B. No. 46, "A bill for an act to establish a ferry across the Great Nemaha river in Richardson county;"

C. B. No. 65, "A bill to legalize the acts of the corporate authorities of the city of St. Helena;"

C. B. No. 59, "A bill for an act to incorporate the Omaha savings institution;"

C. B. No. 55, "A bill for an act to amend an act entitled 'An act to incorporate the city of Fort Calhoun;'"

C. B. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county;"

And

C. B. No. 76, "A bill for an act to amend an act entitled 'An act to incorporate the Brownville lyceum, library and literary association;'"

Having had the same under consideration, have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. ——— from select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 71. "A bill for an act to define more definitely the terms of county officers,"

Monday, January 9th, 1860.

Have had the same under consideration, beg leave to report the same back to the House without amendment and recommend its passage.

JOHN TAFFE,
GEO. H. HINSDALE,
J. E. BURBANK.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following majority report:

Mr. Speaker:

A majority of your committee to whom was referred

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. and R. McMurray to establish and keep a ferry across the Platte river,"

Having had the same under consideration, have instructed me to report a substitute and recommend its passage.

A. J. HANSCOM, Chairman.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 154½, "A bill for an act relative to the labor incidental to the copying the journals and publication of the decisions of the supreme courts of the Territory of Nebraska,"

Having had the same under consideration, report the same back to the House without recommendation.

W. W. KEELING,
JOHN S. BOWEN,
W. R. DAVIS,
J. N. STEPHENSON,
E. H. ROGERS.

Mr. Keeling of Nemaha, from select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 177, "A bill for an act to authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river,"

Having had the same under consideration, respectfully report the same back to the House and recommend its passage.

JESSE NOEL,
GEO. CROWE,
JOHN P. BAKER,
W. W. KEELING.

Mr. Keeling of Nemaha, from select committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 170, "A bill for an act to legalize the acts of the county commissioners of Pawnee county,"

Having had the same under consideration, most respectfully report the same back to the House and recommend its passage.

W. W. KEELING,
J. N. McCASLAND,
C. H. GOSHEN.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your committee on Enrolled and Engrossed Bills, ask leave to report that they have this day presented to the Governor for his approval:

"An act to establish the rate of ferriage across the Loup Fork ferry."

"An act to provide for the erection of a bridge across Black Bird creek."

Also,

"An act to incorporate the city of Arago in Richardson county."

JESSE NOEL,
MILTON W. REYNOLDS.

On motion of Mr. Noel of Nemaha,

The rules were suspended, and

H. F. No. 90, "A bill for an act to restrain sheep and swine in the counties of Cass, Otoe and Nemaha."

Taken up, and referred to the members from Nemaha.

On motion of Mr. Campbell of Otoe,

H. F. No. 165, "A bill for an act explanatory of 'An act to legalize the collection of taxes in Cass county for the year 1857,'"

Was taken up,

Read the third time.

Passed and title agreed to.

H. F. No. 108, "A bill for an act relative to holding the district courts in the first judicial district,"

Taken up.

On motion,

The amendments proposed thereto by the Council were concurred in.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

And the amendments proposed thereto by the Council,

Taken up.

The question occurring on the concurrence of the House to the amendments of the Council, it was decided in the negative, and so the amendments were not concurred in.

H. F. No. 63, "A bill for an act to regulate line fences and define what constitutes a lawful fence."

Taken up.

Read the third time.

Monday, January 9th, 1860.

Passed and title agreed to.

H. F. No. 140, substitute, "A bill for an act to re-enact, revise and collate certain acts and parts of acts in force in the Territory of Nebraska."

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Call of the House ordered.

Absent, Messrs. Bates, Kennedy and Myers.

Mr. Hinsdale of Dakota, moved that all further proceedings under the call be dispensed with.

The following message was received from the Council:

COUNCIL CHAMBER,
January 9th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that

H. F. No. 118, "A bill for an act for the location of the county seat of Richardson county by a vote of the people,"

Has passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The question being on the motion to dispense with all further proceedings under the call, it was

Carried.

Pending the motion to indefinitely postpone,

The following message was received from the Council:

COUNCIL CHAMBER,
January 9th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have receded from their amendments to

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska."

S. M. CURRAN, Chief Clerk.

Mr. Taffe of Dakota, moved to recommit the bill to the committee from whence it came.

Pending which,

The following message was received from the Council:

COUNCIL CHAMBER,
January 9th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed

C. B. No. 97, "A bill for an act to organize West county, to define the boundaries and to locate the county seat thereof,"

Monday, January 9th, 1860.

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And to respectfully request your honorable body to concur with the Council therein.

I am instructed further to announce to your honorable body, that H F. No. 163, "A bill for an act to incorporate the Presbyterian church of Omaha city,"

Has passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The question being on the motion to recommit, it having precedence over the motion to indefinitely postpone, it was

Carried.

Bill recommitted to a special committee of three.

The Speaker appointing Messrs. Marquette, Bowen and Campbell such committee.

House took a recess until 2½ o'clock P. M.

Afternoon Session—2½ o'clock P. M.

The House met pursuant to adjournment, and being called to order by the Speaker, resumed business.

Mr. Maxwell of Cass, chairman of special committee, submitted the following report:

Mr. Speaker:

Your committee appointed to confer with His Excellency, Governor Steele of Jefferson Territory, in regard to the expediency of this Legislature organizing new counties on the western frontier of Nebraska, and such topographical information as may be of interest to this House, would respectfully state that they have performed that duty, and respectfully ask leave to submit the following communication from His Excellency.

SAMUEL MAXWELL,
JAMES TUFTS,
NATHAN MYERS.

Omaha City, N. T., Jan. 7, 1860.

To the Honorable Messrs. Samuel Maxwell, Nathan Meyers and Jas. Tufts, a committee appointed by the House of Representatives of the Territory of Nebraska, to confer with myself relative to certain points mentioned in your accompanying communication, dated Omaha, Jan. 5, 1860, relative to the newly organized provincial government for the territory of Jefferson, &c., &c.

Gentlemen—You have my warmest and most sincere thanks for the honor you have conferred on me, through this medium, to give such information as I am in possession of, to the honorable body of which you have the honor to be members; for it is necessary that both Nebraska and Jefferson territories should understand their relations

and positions towards each other. In answering some of your interrogations I shall have to be governed by general report, and others can be answered from personal knowledge.

Therefore, to your first: you will find in the second clause of the preamble to the constitution or organic act, of the provincial government of the territory of Jefferson, the boundaries are described as follows, to wit: Commencing at a point where the 37th degree of north latitude crosses the 102d degree of west longitude, and running north on said meridian to the 43d degree of north latitude; thence west on said parallel to the 110th degree of west longitude; thence south on meridian to the 37th degree of north latitude; thence east on said parallel to the place of beginning.

These are the boundaries as described in Colfax's bill to organize Jefferson territory, at the last session of Congress so near as I now recollect, excepting he had the 38th degree of north latitude instead of the 37th for the southern boundary. Douglas' bill in the Senate for the same thing a short time after, differed from Colfax's only in the western boundary, which established the summit of the dividing ridge between the waters of the Great basin and that of Greene river, being what is generally known as the Wasach range.

With regard to your second inquiry: The organization of a provincial government for the territory of Jefferson was instituted only from necessity. The great mass of the people of the United States are law abiding and order loving citizens. Situated as we were during the summer and fall of the past year, beyond the legal jurisdiction of any territory or state, being so remote from courts or even the settlements of either Kansas or Nebraska, or any other territory contiguously situated, rendered legal redress for wrongs impossible.

After having carefully and maturely considered what was the proper course to be adopted, having a full knowledge of the tardiness of Congress in organizing territories, especially at the present session, when a President is to be nominated, it was greatly feared the interests of Jefferson Territory would suffer at our national capitol.

Also, we had abundant proofs that the population of our new territory would number by the first day of June next, one hundred thousand souls, all eager and rampant to push their fortunes in any direction that would promise the greatest remuneration.

With such a conglomerate mass of men and interests, the motives will, I hope, be apparent to you and the honorable body you represent, that investigated the organization of a provincial government for the territory of Jefferson. Hence, under these circumstances, we, as American citizens, claimed it as a right under our federal constitution to take the next best step in our power, to wit: to organize a government, republican in form, subject only to the constitution and laws of the United States.

For further information on this point I hereby refer you to the accompanying document, being my message delivered to the Legislative Assembly of the Territory of Jefferson, on the 7th day of Nov., 1859.

The General Assembly among many other worthy and laudable acts, which will compare favorably with any territory or state of the Union,

organized twelve counties, of which Jackson, St. Vrain, Steele and Cheyenne, are north of the 40th degree of north latitude.

The county seats of all the organized counties inhabited, have been located by a vote of their citizens, at the same time electing county judges, sheriffs, recorders, treasurers, justices of the peace, constables, &c.

Therefore the government is in full operation, with all the necessary officers exercising their various franchises, and I trust is working smoothly, as everything indicated that it would when I left on the 13th ult.

This government being organized from sheer necessity, economy has been observed so far as the circumstances of the case would admit of, hence taxation will be very light. If any objections do arise to the provincial government in our Territory, it will be only from taxation; the same objection would follow of course to extending the laws of Nebraska or Kansas over their respective portions of that territory. The action of our general assembly in nearly all cases of local legislation, has been governed by petition of the citizens interested, whether in organizing counties or locating county seats, roads, &c.

I therefore submit this point to your calm and unprejudiced deliberations, knowing your action will be honorable and fair in the premises; believing firmly myself that the citizens of Jefferson territory do not desire the organization of counties within their claimed limits, either by Kansas or Nebraska, yet still retaining the utmost respect and regard for these two territories whom she regards as her sisters.

The third interrogatory by you propounded is in regard to soil, climate, &c., &c.

The soil in the section of country you inquire of would generally be classed as third rate, except on the valleys of the streams where may be found first and second rate, perhaps nearly equally divided. Owing to the climate, it is thought by some irrigation will be necessary for all kinds of crops. I however, believe, that wheat, barley and oats, can be successfully cultivated without it.

The climate on the plains is generally warm and pleasant, with a clear sky from the month of May until December. February, March and April have the name of being the most inclement months of the year.

That of the mountains differs in being cooler where it freezes more or less every month during the nights only, in summer and fall. The days are pleasant as on the plains, with the exception of the rainy season, which last year lasted about three weeks, commencing about the 10th of July, in which time it rained almost every day.

To your fourth and last interrogatory. There is to be found many valuable minerals in the section you inquire of, both in the mountains and on their foot plains. Drift gold has been discovered on these plains in small quantities, (yet deemed insufficient to pay,) in the gravel deposits for two hundred miles along the base of the mountains northward to the North Platte, and extending outward from the mountains from twenty to thirty miles.

In the same space valuable deposits of the richest coal, cropping out

in the various places over an immense extent of country, their thickness of stratum running from three to ten feet have been found. Extensive quarries of superior lime stone, marble and gypsum, have shown themselves in the lower ranges of the mountains adjacent to the plains. In the mountain district you inquire of, have been discovered gold, silver, lead, iron, and many other valuable metals are supposed to exist, from indications already discovered.

In this section of the mountains the diggings for gold yet discovered are confined to the Twelve Mile diggings and Gold hill, situated ten or twelve miles back from Boulder city at the foot of the mountains, furnishing employment for from five hundred to one thousand men during the past season. The Twelve Mile gold is known to be of superior fineness, commanding the highest market price.

The town of Boulder city is the county seat of Jackson county, and situated on the north bank of Boulder creek, where it debouches from the mountains, and is the largest town north of the 40th parallel of latitude of Jefferson territory.

In closing this communication, permit me under this head to observe, that it is my opinion, (and I think a reasonable one,) that it differs but little to Kansas and Nebraska, whether Jefferson territory with all her mineral wealth, be incorporated respectively in the two territories, or whether she be erected into an independent organization. One thing is certain, the treasure is there, and will be taken out of the bowels of those mountains by labor, employing machinery, capital, &c.

All this must benefit the territories of Kansas and Nebraska; over them must be transported everything that goes to the Territory of Jefferson. The farmer, the mechanic, the merchant, the professional men will help to reap the rich, golden harvest.

Nebraska stands pre-eminent in having the Great Platte valley traversing the whole distance from Denver city to the Missouri river. This great National highway forbids all other routes competing with it at all. What vast importance to Nebraska are the perspective rail roads in Iowa, taken in consideration here; when once in operation they will land on the Nebraska shore the wealth, the enterprise, the industry and the population of the Eastern, Middle and Western states, many to become citizens of Nebraska, others to push their way across her fair territory to the gold fields of Jefferson.

It requires but an ordinary mind to see, now since the discovery of gold in the Rocky mountains, that the Platte valley is to be a highway not only for emigrants to Jefferson Territory, but the world to pass from ocean to ocean.

Contemplating, then, the natural advantages of our common country, we find a diversity of climates, soils, minerals, productions and interests that should ultimately, and that very soon, place us at the head of all nations of the earth.

In the language of your Governor's most excellent message, "does it not seem as if nature herself designed to end the dispute between states and statesmen, politicians, speculators and all others." Let us then congratulate one another on being citizens of one common country, hoping and believing that our representatives, both in the Federal Con-

gress and our respective state and territorial legislatures, will, ere long, forget sectional strifes and forbear to meddle with institutions they can not change or affect, and turn their time and attention to the absolute wants of an injured constituency.

But I must close, as I am growing wearisome to you. I hope I have been able to some extent to furnish the information you desired.

I am your most obedient servant,

R. W. STEELE.

Mr. Kennedy of Douglas, moved that 500 copies of the communication be printed for the use of the House.

Mr. Taffe of Dakota, moved to amend by "published in the Omaha Nebraskan and Republican."

Amendment lost.

Mr. Tufts of L'eau-qui-Court, moved that the communication be referred to the Committee on Federal Relations with instructions to report to-morrow.

Carried.

Mr. Hinsdale of Dakota, introduced

H. F. No. 182, "A bill to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Read the first time.

On motion,

The rules suspended, and the bill by its title read a second time and referred to a special committee of three.

Messrs. Hinsdale, Bates and Taffe appointed said committee.

Mr. Collier from special committee, submitted the following report:

Mr. Speaker:

Your special committee to whom was referred

H. F. No. 47, "A bill for an act to require county commissioners to give bond;"

H. F. No. 101, "A bill for an act to provide for auditing the accounts of county commissioners;"

And

H. F. No. 110, "A bill for an act to prevent overdrawing public funds in counties;"

Respectfully report the same to the House, together with

"A bill for an act to prevent overdrawing public funds in counties, and to compel county commissioners to give bond,"

Which the committee report as a substitute for the several bills committed.

Your committee report that great abuses have grown in some counties from the over issue of county orders and warrants, and the consequent of their value, and that the evil demands remedial legislation. The committee recommend the passage of the bill reported as a substitute, whereby the existing evil will be corrected, and the financial condition of counties now suffering from depreciated credit will be restored to a sound and healthful basis.

Monday, January 9th, 1860.

Your committee being satisfied of the expediency of requiring bonds from persons elected to the responsible office of county commissioner, have incorporated the principle in the substitute, establishing a ratio somewhat below that in the bill (H. F. No. 47) committed, and also graduating the bond to the estimated population of counties.

C. A. GOSHEN,
DAVID L. COLLIER,
GEORGE B. LAKE,
J. S. STEWART,
S. F. NUCKOLLS.

On motion of Mr. Collier of Burt,

H. F. No. 47, substitute, "A bill for an act to to prevent overdrawing of public funds in counties, and to compel county commissioners to give bond,"

Taken up, and

On motion of Mr. Goshen of Johnson,

Adopted.

Bill read a third time by its title.

Passed and title agreed to.

H. F. No. 147, "A bill for an act to provide for the holding of district courts in Columbus, Platte county,"

Taken up.

Read the third time by its title.

Passed and title agreed to.

C. B. No. 99, "A bill for an act to incorporate the town of Lafayette city, and locate a ferry."

Taken up.

Read the first time.

The rules suspended.

Read a second time by title and referred to the Committee on Corporations.

C. B. No. 80, "A bill for an act to restrain stock from running at large in Sarpy county."

Taken up.

Read the first time.

Rules suspended.

Bill read a second time by title and referred to a select committee of three.

The Speaker appointing Messrs. Shields, Arnott and Bowen.

H. F. No. 49, "A bill for an act to provide for the erection of a jail in Otoe county."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Noel of Nemaha, chairman of the special committee, submitted the following report:

Mr. Speaker:

Your select committee, to whom was referred

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha,'"

Have had the same under consideration and report the same back with the amendments thereto attached, and recommend its passage.

JESSE NOEL, Chairman.

H. F. No. 117, "A bill for an act to redefine the western boundaries of Washington county,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 138, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,' approved Jan. 26th, 1856,"

Taken up.

Mr. Marquette of Cass, moved to strike out all after the word "provided," in section 2.

Mr. Kennedy of Douglas, moved that the bill be indefinitely postponed.

Mr. Taffe of Dakota moved to recommit to the Committee on County Seats and Boundaries.

Mr. Campbell of Otoe, moved to recommit to a select committee.

Carried.

Messrs. Hanscom, Marquette and Davis appointed such committee.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 174, "A bill for an act to amend the charter of Decatur,"

Having had the same under consideration, have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Davis of Cass, moved that the committee to whom was referred

H. F. No. 138, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,' approved January 26th, 1856,"

Be instructed to report to-morrow morning.

Carried.

H. F. No. 124, "A bill for an act to amend the criminal code,"

Taken up.

Ordered engrossed for a third reading.

Mr. Marquette of Cass, chairman of a special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was recommitted

H. F. No. 141, "A bill for an act to re-enact, revise and collate certain acts and parts of acts in force in the Territory of Nebraska,"

Having had the same under consideration, beg leave to report the accompanying substitute and recommend its passage.

All of which is respectfully submitted.-

T. M. MARQUETTE,
JOHN C. CAMPBELL,
JOHN S. BOWEN.

H. F. No. 90, "A bill for an act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha,"

Taken up.

Ordered engrossed for a third reading.

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company,"

Taken up.

Read the third time by its title.

Passed and title agreed to.

H. F. No. 152, "A bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point,"

Taken up.

Read a third time.

Passed and title agreed to.

Mr. Kennedy of Douglas, from the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 99, "A bill for an act to incorporate the town of Lafayette city and locate a ferry,"

Having had the same under consideration, respectfully report the bill back to the House without recommendation.

A. J. HANSCOM,
GEORGE F. KENNEDY,
JOHN RECK,
B. BATES.

H. F. No. 145, "A bill for an act to amend the code of civil procedure and to provide for the stay of execution in district courts,"

Taken up.

Mr. Latta of Cass, moved that the bill be indefinitely postponed.

Lost.

Mr. Maxwell of Cass, moved that the bill be recommitted to a special committee with instructions to report to-morrow,

Withdrawn.

Mr. Marquette of Cass, moved to recommit to a special committee of three.

Carried.

Messrs. Belden, Marquette and Latta appointed such committee.

H. F. No. 168, "A bill for an act to dissolve the bonds of matrimony between Wm. Skillen and Mariah Skillen,"

Taken up.

Read a second time and referred to the members from Nemaha county.

H. F. No. 132, "A bill for an act to authorize James D. Carnichael to keep a ferry across the Missouri river at Otoe city, Otoe county, Nebraska,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. —, "A bill for an act to locate a territorial road from De Soto in Washington county, to Fontenelle in Dodge county,"

Taken up.

The rules suspended.

The bill by its title read a second time and referred to a special committee of three.

The Speaker appointing Messrs. Rogers, Myers and Shields such committee.

C. B. No. 78, "A bill for an act to incorporate the North Platte bridge and ferry company,"

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time and referred to the Committee on Corporations.

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. and R. McMurray to establish and keep a ferry across Platte river."

Taken up, and

Substitute adopted.

Read a third time.

Passed and title agreed to.

H. F. No. 42, "A bill for an act to vacate a part of the town of Wyoming,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 79, "A bill for an act to authorize John C. Wood to erect a mill dam across the north fork of the Great Nemaha river,"

Taken up.

Read the first time.

The rules suspended.

Read the second time by its title and referred to the Committee on Corporations.

H. F. No. 93, "A bill for an act to incorporate a seminary, to be located in the city of Florence, Douglas county, N. T."

Taken up.

Read the third time by its title.

Passed and title agreed to.

C. B. No. 69, "A bill for an act to provide for copying the journals."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Noel of Nemaha, from special committee, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 109, "A bill for an act to authorize Alexander Hallam to erect and keep a mill dam across Rock creek,"

Having had the same under consideration, most respectfully report the same back to the House and recommend its passage.

JESSE NOEL, Chairman.

H. F. No. 82, substitute, "A bill for an act to consolidate Monroe and Platte counties."

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 82, "A bill for an act relative to settling the accounts of the Territorial Treasurer."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time and referred to the Committee on Accounts and Expenditures.

Mr. Burbank of Richardson, introduced

H. F. No. 183, "A bill for an act to incorporate Falls city."

Read the first time.

The rules suspended.

The bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Swezy, Randall A. Brown and Henry H. Vischer to certain real estate in the city of Omaha, N. T."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time and referred to the Committee on Judiciary.

H. F. No. 181, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution."

Taken up.

Read the first time.

The rules suspended and the bill by its title read a second time.

Mr. Hanscom of Douglas, moved to refer to Committee of the Whole and make it the special order for to-morrow.

Motion made to refer to Committee on Judiciary, with instructions to report to-morrow.

Carried.

H. F. No. 33, substitute, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved November 4th, 1858."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries."

Taken up.

Read the third time.

Mr. Bowen of Washington, asked leave to amend.

Not granted.

The question being upon its passage, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Barnard, Bates, Belden, Brodhead, Crowe, Goshen, Hanscom, Hinsdale, Johnson, Keeling, Kennedy, McCasland, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tufts.—24.

Nays—Messrs. Baker, Bowen, Burbank, Campbell, Collier, Davis, Marquette, Myers, Rogers, Stephenson and Taffe.—11.

So the bill was

Passed.

The title was agreed to.

Mr. Brodhead of Otoe, moved to adjourn.

Lost.

Mr. Marquette of Cass, moved to take a recess until 6½ o'clock P. M.

Pending which,

Mr. Nuckolls of Otoe, moved to adjourn.

Carried.

House adjourned at 5½ o'clock P. M.

Tuesday, January 10th, 1860.

HOUSE OF REPRESENTATIVES,
Tuesday, January 10th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday's session was read and approved.

On motion,

Leave of absence was granted to Messrs. Hinsdale and Tufts for the day.

The following message was received from the Council:

COUNCIL CHAMBER,
January 10th, 1860. }

Mr. Speaker:

I am instructed to announce to your honorable body, that the Council have passed the following bills and respectfully request the concurrence of the House therein:

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace;"

C. B. No. 105, "A bill for an act to legalize the collection of taxes in Cedar county for the year 1859;"

C. B. No. 71, "A bill for an act to amend the liquor law;"

C. B. No. 106, "A bill for an act to authorize Henry Z. Chapman and Frank Coffman to keep a ferry;"

C. B. No. 102, "An act to authorize the holding of special terms of district courts in Nebraska."

I am also directed to return to your honorable body

H. F. No. 98, "A bill to authorize J. B. Weston to erect a mill dam across Big Blue river;"

And

H. F. No. 173, "Joint memorial asking for an extension of mail service on the route from Dakota city to Fort Randall, N. T.;"

Also,

C. B. No. 103, "An act to locate a territorial road in Nemaha and Pawnee counties;"

And

H. F. No. 157, "A bill for an act to change the name of Georgeanna Florence Anderson to Florence Forney;"

Also,

H. F. No. 149, "An act supplemental to 'An act for locating, opening and repairing county roads,' approved Oct. 29th, 1858;"

H. F. No. 29, "A bill for an act entitled 'An act to locate a territorial road from Decatur to De Soto.'"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Maxwell of Cass, introduced

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youth in Nebraska Territory, between the ages of five and twenty-one years."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time.
And,

On motion of Mr. Rogers of Dodge,
Referred to a select committee of three.

Messrs. Rogers, Taffe and Burbank were appointed such committee,

The chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills ask leave to report
H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha,'" Correctly engrossed. J. NOEL, Chairman.

Mr. Maxwell of Cass, introduced

H. F. No. 185, "A bill for an act to amend section 4 of an act entitled 'An act respecting juries,' approved Nov. 2d, 1858."

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended and the bill by its title read a second time, and referred to the Committee on Judiciary.

Mr. Noel, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report
H. F. No. 35, "A bill for an act entitled 'An act regulating fees and salaries.'" Correctly engrossed.

J. NOEL,
M. W. REYNOLDS.

Mr. Arnott of Sarpy, introduced

H. F. No. 186, "A bill for an act to restrain stock from running at large in Sarpy county."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second and third time.

Passed and title agreed to.

Mr. Shields of Sarpy, introduced

H. F. No. 187, "A bill for an act to incorporate the Bellevue land claim association."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

Mr. Noel of Nemaha, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your committee beg leave to report that they have this day presented to the Governor for his approval:

"An act to fix the time for holding the district court in the counties comprising the 2d judicial district;"

"An act for the location of the county seat of Richardson county by a vote of the people;"

And also,

"An act to incorporate the Presbyterian church of Omaha city."

JESSE NOEL,

M. W. REYNOLDS.

Mr. Rogers of Dodge, chairman from special committee, submitted the following report:

Mr. Speaker:

Your special committee to whom was referred

H. F. No. 167, "A bill for an act for the relief of John Rickley,"

Report the same back to the House without recommendation.

E. H. ROGERS,

H. JOHNSON,

S. F. NUCKOLLS.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 88, "A bill for an act to confirm the title of W. A. Collins, John Sweezy, Randall A. Brown and Henry H. Vischer, to certain real estate in the city of Omaha, Nebraska Territory,"

Have, according to order, had the same under consideration, and have directed me to report the bill back to the House without amendment, and most respectfully recommend its passage.

GEORGE B. LAKE, Chairman

Judiciary Committee.

Mr. Campbell of Otoe, chairman of select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

C. B. No. 86, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case,"

Have had the bill under consideration, and a majority of said committee have directed me to report the same back to the House and recommend its passage with the following amendment: "Provided, This act shall not interfere with any suit at law which has been commenced, or prevent any suit from being commenced for alimony, by said Mary Case."

JOHN C. CAMPBELL, Chairman.

Mr. Lake of Douglas, chairman of the Judiciary Committee, submitted the following majority report:

Mr. Speaker:

The undersigned, a majority of your committee to whom was referred C. B. No. 21, entitled "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution;"

Also,

H. F. No. 107, entitled "A bill for an act to exempt certain property from execution and attachment;"

Have, according to order, had the same under consideration, and have directed me to report a substitute in lieu of the aforementioned bills, which is herewith returned; your committee would most respectfully recommend that said substitute be favorably considered, and that the further consideration of C. B. No. 21 and H. F. No. 107 be indefinitely postponed.

GEORGE B. LAKE,
D. D. BELDEN,
T. M. MARQUETTE.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred the following bills, viz:

H. F. No. 180, "An act to amend an act to incorporate Nemaha city in the county of Nemaha;"

C. B. No. 79, "An act to authorize John C. Wood to erect a mill dam across the north fork of the Great Nemaha river;"

C. B. No. 78, "An act entitled an act to incorporate the North Platte bridge and ferry company;"

And

H. F. No. 183, "An act to incorporate the town of Falls city,"

Having had the bills under consideration, have instructed me to report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Keeling of Nemaha, chairman of the select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 168, "A bill for an act to dissolve the bonds of matrimony between William Skillen and Maria Skillen,"

Tuesday, January 10th, 1860.

Having had the bill under consideration, respectfully report the same back to the House without recommendation.

W. W. KEELING,
JESSE NOEL.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 82, "A bill for an act to provide for the settlement of the accounts of the Territorial Treasurer,"

Having had the bill under consideration, report the same back to the House and recommend its passage.

W. W. KEELING,
E. H. ROGERS,
J. N. STEPHENSON,
WM. R. DAVIS.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 159, "A bill for an act to authorize J. Osterling to erect and keep a mill dam in L'eau-qui-Court county,"

Have, according to order, had the bill under consideration, and report the same back to the House and recommend its passage.

HARRISON JOHNSON, Chairman Committee.

Mr. Hinsdale of Dakota, from select committee, submitted the following majority report:

Mr. Speaker:

The undersigned, a majority of your select committee to whom was referred

H. F. No. 182, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark,"

Have had the bill under advisement, and after careful consideration of the testimony offered, report the same back to the House and most respectfully recommend its passage.

GEORGE A. HINSDALE,
JOHN TAFTE,

C. B. No. 71, "A bill for an act to amend the liquor law,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Agriculture.

Mr. Rogers of Dodge, on leave, introduced

H. F. No. 188, "A bill for an act to reorganize the county of Dodge."

Read the first time.

On motion of Mr. Rogers of Dodge,

The rules were suspended, and the bill by its title read a second time and referred to a special committee of three.

Messrs. Rogers, Lake and Marquette were appointed such committee.

C. B. No. 105, "A bill for an act to legalize the collection of taxes in Cedar county for the year 1859,"

Was taken up.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, and the bill by its title read second and third time and put upon its passage.

Passed and title agreed to.

C. B. No. 95, "A bill for an act to authorize Jesse Coleman and others to make a road and build a bridge,"

Taken up.

Read the first time.

C. B. No. 89, "A joint resolution asking for a mail route,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read second and third time and put upon its passage.

Passed and title agreed to.

C. B. No. 106, "A bill for an act to authorize Henry Z. Chapman and Frank Coffman, to keep a ferry,"

Taken up.

Read the first time.

On motion of Mr. Hanscom of Douglas,

The rules were suspended, and the bill by its title read second and third time and put on its passage.

Passed and title agreed to.

C. B. No. 86, "A bill for an act to change and redefine the boundaries of Dixon, Cedar and L'eau-qui-Court counties."

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Boundaries and County Seats.

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

Taken up.

Read the third time.

Mr. Taffe of Dakota, moved that the bill be indefinitely postponed.

Carried.

C. B. No. 93, "Joint resolution relative to correcting errors in the laws, joint resolutions and memorials of the sixth session of the legislative assembly."

Taken up.

Read the first time.

Tuesday, January 10th, 1860.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.
Carried.

The following message was received from the Council:

COUNCIL CHAMBER,
January 10th, 1860. }

Mr. Speaker:

I am instructed to announce to your honorable body, that the Council have passed

C. B. No. 90, "Joint resolution for the payment of the Engrossing and Enrolling Clerks,"

And respectfully solicit the concurrence of the House therein:

I also return you

H. F. No. 143, "An act to incorporate the university of Columbus in Platte county,"

And,

H. F. No. 81, "An act to incorporate the Lutheran church of Omaha city,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

C. B. No. 76, "A bill for an act to amend an act entitled 'An act to incorporate the Brownville lyceum, library and literary association,'"

Taken up.

Read the third time.

Passed and title agreed to.

The following message was received from the Governor, through the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 10th, 1860. }

To the House of Representatives:

Mr. Speaker:

The Governor directs me to inform your honorable body that the following bills have received his signature and approval, viz:

"A memorial and joint resolution praying for an appropriation of fifty thousand dollars to construct a military road from Nebraska city to New Fort Kearney;"

"An act to locate a territorial road from Decatur to Columbus;"

"An act to organize the county of Kearney, to define its boundaries and to locate the county seat thereof;"

"Joint resolution and memorial relative to withdrawal from reservation of certain reserved government land in the Territory of Nebraska;"

"An act to authorize suits upon written instruments, to be brought in the name by which the same are executed;"

"An act to establish the rate of ferriage at the Loup Fork ferry," approved February 28th, 1859.

JOHN McCONIHIE,
Private Secretary.

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska."

Taken up.

Mr. Campbell of Otoe, moved that the bill be recommitted to the committee with instructions to report a provision requiring the president to give bond.

Mr. Nuckolls of Otoe, moved to lay the motion to recommit on the table.

Lost.

Mr. Nuckolls of Otoe, moved that the bill be indefinitely postponed.

Withdrawn.

Question occurring on the original motion, it was

Lost.

The bill was then read a third time.

Passed and title agreed to.

C. B. No. 47, "A bill for an act fixing the salaries of the district attorneys and providing for the payment of the same,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second time.

Mr. Taffe of Dakota, moved that the bill be referred to the Committee on Judiciary.

Lost.

Mr. Collier of Burt, moved to refer to the Committee on Accounts and Expenditures.

Lost.

Mr. Noel of Nemaha, moved to refer to special committee of five.

Lost.

Mr. Collier moved to refer to the Committee on Ways and Means.

Lost.

Mr. Collier moved to refer to a special committee of three.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bates, Belden, Bowen, Campbell, Collier, Davis, Hanscom, Hinsdale, Johnson, Keeling, Lake, Latta, Malcolm, Marquette, Maxwell, Nuckolls of Otoe, Reck, Reynolds, Rogers, Shields, Stephenson, Stewart and Taffe.—25.

Nays—Messrs. Adams, Arnott, Barnard, Burbank, Crowe, Goshen, Kennedy, McCasland, Myers, Noel and Nuckolls of Richardson.—11.

Carried, and

Messrs. Collier, Noel and Bates were appointed said committee.

Mr. Campbell of Otoe, moved that the committee be instructed to report next Monday.

Mr. Noel of Nemaha, moved to amend the motion by instructing the committee to report this afternoon.

Adopted.

Motion as amended

Carried.

Mr. Bates of Dakota, chairman of the Committee on Privileges and Elections, submitted the following report:

Mr. Speaker.

Your committee to whom was referred the case of Leander Gerard and R. C. Barnard, contestants for a seat in your honorable body, beg leave to report that they have had the same under consideration, and on account of the imperfect and defective manner in which the papers are executed, your committee would most respectfully ask the privilege of submitting all the papers in the case to the House.

BARNABAS BATES, Chairman,
S. F. NUCKOLLS.

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers,"

Taken up.

Mr. Johnson of Douglas, moved that the bill be read a third time and put upon its passage.

Pending which,

A call of the House was ordered.

Absent—Messrs. Brodhead and Nuckolls of Richardson.

Mr. Reck of Platte, moved that all further proceedings under the call be dispensed with.

Lost.

Mr. Nuckolls of Richardson having appeared within the bar,

Mr. Campbell of Otoe, moved that all further proceedings under the call be dispensed with.

Carried.

Mr. Collier of Burt, moved that the bill under consideration be recommended to the Committee on Ways and Means.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnett, Bain, Baker, Barnard, Bates, Bowen, Burbank, Collier, Crowe, Goshen, Hinsdale, Keeling, McCasland, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Shields, Stewart and Taffe.—21.

Nays—Messrs. Belden, Brodhead, Campbell, Davis, Hanscom, Johnson, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Reck, Reynolds, Rogers and Stephenson.—16.

So the motion to recommit, was

Carried.

Mr. Hanscom of Douglas, moved to take a recess until 3 o'clock.

Lost.

Mr. Hanscom then moved to take a recess until 2½ o'clock.

Carried.

House took a recess at 10 o'clock.

Afternoon Session—2½ o'clock P. M.

The hour to which the House adjourned having arrived, the House was called to order by the Speaker.

The Committee on Engrossed and Enrolled Bills submitted the following report:

Mr. Speaker:

Your committee beg leave to report, that
H. F. No. 124, "A Bill for an act to amend the criminal code,"
Is correctly engrossed.

J. NOEL,
M. W. REYNOLDS.

C. B. No. 90, "Joint resolution for the payment of the Enrolling and Engrossing Clerks,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time.

Mr. Hanscom of Douglas, moved to refer the bill to the Committee on Judiciary, with instructions to report a provision therein to pay the pages and fireman.

Withdrawn.

Mr. Hanscom moved to amend by striking out "five dollars," and insert in lieu thereof "four dollars."

Mr. Johnson of Douglas, moved to lay the motion to amend on the table.

Declared out of order.

Question occurring on the motion to amend, when the ayes and nays were demanded, with the following result:

Ayes—Messrs. Campbell, Davis, Hanscom, Marquette, Nuckolls of Otoe, Reynolds and Stephenson.—7.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Belden, Bowen, Burbank, Brodhead, Collier, Crowe, Goshen, Hinsdale, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, McCasland, Maxwell, Noel, Nuckolls of Richardson, Reck, Rogers, Shields, Stewart and Taffe.—29.

So the motion to amend was

Lost.

On motion,

The rules were suspended and the bill by its title read a third time and put on its passage.

Passed and title agreed to.

H. F. No. 162, "A bill for an act to locate a territorial road from Omaha city to Lemuel Ireland's in Sarpy county, Nebraska Territory."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha.'"

Tuesday, January 10th, 1860.

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 151, "A bill for an act relative to binding and preserving newspapers and other documents in the territorial library."

Taken up.

Read the third time.

Question being on the passage of the bill, it was

Lost.

The following message was received from the Council:

COUNCIL CHAMBER,
January 10th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed

C. B. No. 77, "A joint resolution for the determination of the claims of the code commissioners of 1855, and their clerks;"

Also,

C. B. No. 109, "Joint resolution in favor of Lewis Driscoll;"

And respectfully solicit the concurrence of your honorable body therein.
S. M. CURRAN, Chief Clerk.

Mr. Belden of Douglas, chairman from select committee, submitted the following report:

Mr. Speaker:

Your select committee, to whom was referred

H. F. No. 145, entitled "An act to amend the code of civil procedure, and for the stay of executions in the district courts,"

Have had the same under consideration, and beg leave to report to the House the accompanying substitute and most respectfully recommend its passage.

D. D. BELDEN,
T. M. MARQUETTE,
W. S. LATTI.

On motion,

The report was adopted.

Mr. Hinsdale of Dakota, asked and obtained leave of absence until Friday next.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 35, "A bill for an act entitled 'An act regulating fees and salaries,'"

Have had the bill under consideration, and have directed me to report the same back to the House and recommend its passage, with the following amendments:

In section 4, sixth line, insert "fifty." in place of "twenty;" in the sixteenth line of the same section, "fifteen cents" in lieu of "ten cents;"

in the twenty-sixth line insert "twenty cents" in lieu of "fifteen cents;" in the thirtieth line insert "twenty-five cents" in lieu of "ten cents;" in the thirty-second line insert "fifteen cents" in lieu of "ten cents." Instead of "twenty," the last word in line thirty-eight, insert "forty." In the forty-one, instead of "ten cents" insert "fifteen cents;" in line forty-four, in place of "ten cents" insert "fifteen cents;" in line fifty-four, instead of "ten cents" insert "fifteen cents."

All of which is most respectfully submitted.

JOHN C. CAMPBELL, Chairman.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Speaker:

Your committee to whom was referred

H. F. No. 71, "A bill for an act to amend an act entitled 'An act to regulate and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska,' approved Nov. 4th, 1858,"

have had the bill under consideration, and beg leave to report the same back to the House without amendment and recommend its immediate passage, as your committee are of the opinion that this law needs amending.

HARRISON JOHNSON,
E. H. ROGERS,
SAMUEL MAXWELL,
J. EDW. BURBANK.

Mr. Rogers of Dodge, chairman of select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 188, "A bill for an act to reorganize the county of Dodge,"

Having had the bill under consideration, beg leave to report the same back to the House and recommend its passage.

E. H. ROGERS,
GEORGE B. LAKE,
T. M. MARQUETTE.

The same gentleman submitted the following:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youth in Nebraska Territory, between the ages of five and twenty-one years,"

Having had the bill under consideration report the same back to the House and recommend its passage.

E. H. ROGERS,
JOHN TAFFE.

The following message received from the Governor through the hands of his private secretary:

Tuesday, January 10th, 1860.

EXECUTIVE CHAMBER,

Omaha, January 10th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act to incorporate the city of Arago;"

"An act to incorporate the Presbyterian church of Omaha City."

JOHN MCCONNIE,

Private Secretary.

H. F. No. 145, substitute to "A bill for an act to amend the Code of Civil Procedure and to provide for the stay of executions in the district courts."

Taken up.

Substitute read and adopted.

Mr. Belden of Douglas, moved to amend by striking out "hereafter to be issued," in the third line of the first section.

Carried, and

On motion

The amendment was adopted.

Bill was then read the third time.

Passed and title agreed to.

Mr. Rogers of Dodge, moved that the rules be suspended and the House take up

H. F. No. 188, "A bill for an act to reorganize the county of Dodge."

Lost.

H. F. No. 129, "A bill for an act to change the time of electing a delegate to Congress from Nebraska."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska, and other purposes,"

Taken up.

Read the third time.

Passed, and title agreed to.

H. F. No. 46, "A bill for an act to authorize the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Kennedy of Douglas, on leave, introduced

H. F. No. 189, "A bill for an act to authorize Alexander Stevenson and others to keep a ferry across the North fork of the Platte river."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second time and referred to the Committee on Corporations.

H. F. No. 188, "A bill for an act to reorganize the county of Dodge,"

Taken up.

Mr. Reck of Platte, moved that the bill be postponed until to-morrow.
Lost.

Mr. Reck moved to strike out all of the 1st section after the enacting clause.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Barnard, Belden, Crowe, Hanscom, Keeling, Kennedy, Malcolm, Nuckolls of Otoe, Reck, Reynolds.—11.

Nays—Messrs. Baker, Bates, Bowen, Burbank, Campbell, Collier, Davis, Goshen, Johnson, Latta, Marquette, McCasland, Maxwell, Rogers, Shields, Stephenson, Stewart and Taffe.—18.

So the motion to strike out was

Lost.

The bill was then read the third time by its title.

Passed and title agreed to.

Mr. Marquette of Cass, chairman of the select committee, submitted the following report:

Mr. Speaker:

Your select committee to whom was referred

H. F. No. 138, "A bill for an act entitled 'An act establishing the mode of locating and changing county seats,' approved January 26, 1856,"

Having had the bill under consideration, report the same back to the House with the following amendments, to wit:

Add in section 2d, "and whenever a vote has been taken upon the removal of any county seat, according to the provisions of this and the act to which this is supplementary, it shall be unlawful for the county commissioners of said county to call another election for three years thereafter." And in section 2, amend by striking out all after the word "passage" in the second line of said section. And change the second section to "third."

With the above amendments, your committee would recommend its passage.

T. M. MARQUETTE,

W. R. DAVIS.

Mr. Brodhead of Otoe, introduced

H. F. No. 190, "A bill for an act to confirm the election of J. W. Moore as coroner of Otoe county."

Read the first time.

On motion of Mr. Brodhead,

The rules were suspended, and the bill by its title read a second time, and referred to the Committee on Judiciary.

Mr. Hanscom of Douglas, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 189, "A bill for an act to authorize Alexander Stevenson and others, to keep a ferry across the North fork of the Platte river,"

Having had the same under consideration, report the bill back to the House without recommendation.

A. J. HANSCOM,
JOHN RECK,
GEO. CROWE,
B. BATES.

Also the following :

Mr. Speaker :

Your committee to whom was referred

H. F. No. 187, "A bill for an act to incorporate the Bellevue land claim association,"

Having had the bill under consideration, report the same back to the House without recommendation.

A. J. HANSCOM, Chairman.

Mr. Nuckolls of Otoe, introduced

H. F. No. 191, "Joint memorial and resolution, praying Congress for an appropriation for a land grant."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read second and third time, and put on its passage.

Ayes and nays demanded upon its passage with the following result:

Ayes—Messrs. Adams, Barnard, Baker, Bowen, Burbank, Collier, Davis, Goshen, Kennedy, Latta, Marquette, McCasland, Maxwell, Noel, Nuckolls of Otoe, Rogers, Shields, Stephenson and Stewart.—19.

Nays—Messrs. Arnett, Bates, Belden, Brodhead, Campbell, Crowe, Hanscom, Johnson, Keeling, Lake, Malcolm, Nuckolls of Richardson and Reynolds.—13.

So the bill passed, the title was agreed to.

Mr. Burbank of Richardson, introduced

H. F. No. 192, "A bill for an act to provide for the payment of county assessors."

Read the first time.

On motion of Mr. Belden of Douglas,

The rules were suspended and the bill by its title read a second and third time and put upon its passage.

Passed and title agreed to.

H. F. No. 161, "A bill for an act to provide for the election and defining the duties of coroner."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 59, "A bill for an act to incorporate the Omaha savings institution."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Campbell of Otoe, moved to suspend the rules and take up C. B. No. 3, "A bill for an act to amend an act entitled 'An act relative to money on account and interest,' approved March 14th, 1855."

Motion to suspend the rules was

Lost.

Mr. Baker of Nemaha, moved to suspend the rules and take up

H. F. No. 61, "An act to incorporate the city of Peru."

Carried.

Rules suspended and bill taken up.

Read the third time by its title.

Passed and title agreed to.

Mr. Belden of Douglas, moved to suspend the rules and take up

H. F. No. 112, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Carried.

Rules suspended and the bill taken up.

Mr. Belden moved to amend section 149 in the 5th line so as to read as follows: "On every judgment exceeding five and under fifty dollars, the stay of execution shall be for ninety days, and on all sums over fifty and under one hundred dollars, the stay shall be for six months."

Amendment adopted.

Mr. Davis of Cass, moved to amend by adding as follows to section 21: "If the defendant, on being arrested as provided in this section, desires to controvert the charges against him, the officer shall bring him before the justice of the peace who issued the order of arrest, and the justice shall proceed forthwith to hear the testimony in the case, and if it appear that the statement made on the affidavit of the plaintiff, his attorney or agent be not true according to the evidence given, the justice shall discharge such defendant and render judgment against the plaintiff for costs."

Lost.

Bill read a third time.

Ayes and nays demanded on its passage with the following result.

Ayes—Messrs. Adams, Belden, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Hanscom, Keeling, Kennedy, Lake, Marquette, McCasland, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Stephenson, Stewart and Taffe.—22.

Nays—Messrs. Arnott, Bain, Baker, Barnard, Bowen, Brodhead, Johnson, Reck, Reynolds and Shields.—10.

So the bill passed, the title was agreed to.

H. F. No. 182, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Nuckolls of Otoe, offered the following:

Resolved, That from and after this date no member shall speak more

than once upon any question which may be before the House, and then for not more than five minutes.

Laid over under the rule.

Mr. Taffe of Dakota, offered the following :

Resolved, That Leander Gerrard of Monroe county, is entitled to a seat in this House, as duly elected to the same, to represent the counties of Monroe and Hall.

Laid over under the rule.

Mr. Goshen of Johnson, introduced

H. F. No. 193, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee City.'"

Read the first time.

Mr. Keeling of Nemaha, moved that the rules be suspended, and the bill by its title read the second and third time, and put on its passage.

Carried.

Rules suspended.

Bill by its title read second and third time.

Passed and title agreed, to.

Mr. Johnson of Douglas, introduced.

H. F. No. 194, "A bill for an act to authorize George E. McKinsay and B. F. Leonard to erect and keep a mill dam across the Great Papillon creek, in Douglas county, N. T."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

Leave was granted to Mr. Brodhead of Otoe, until to-morrow, to submit the report of the special committee to whom was referred Governor Steele's communication.

Mr. Hanscom of Douglas, moved to adjourn.

Carried.

House adjourned at 7 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Wednesday, Jan'y 11th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday's session was read and approved.

Mr. Brodhead of Otoe, moved that 500 copies of the act entitled "An

act to frame a constitution and state government for the state of Nebraska," be printed for the House for distribution.

Lost.

The following message was received from the Council:

COUNCIL CHAMBER,
January 11th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed the following bills and respectfully request the concurrence of the House therein:

C. B. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. Depuy and George Depuy;"

C. B. No. 110, "A bill for an act to authorize James Vandusen and R. S. Parks to keep a ferry across North Platte river below Fort Laramie;"

C. B. No. 67, "A bill for an act to prevent trespass on timber lands;"

C. B. No. 108, "An act in relation to jurors' fees;"

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council;"

C. B. No. 101, "A bill to incorporate the city of Ionia;"

C. B. No. 98, "A bill for an act to locate a territorial road from St. John's to the Ponca reservation;"

C. B. No. 94, "A bill for an act defining the duties of the Territorial Librarian, and for other purposes."

I also return to your honorable body

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. and R. McMurray to establish and keep a ferry across Platte river;"

Also,

H. F. No. 164, "A bill for an act to locate a territorial road in Dodge county;"

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association;"

H. F. No. 142, "An act to vacate a part of the town site of the town of Wyoming;"

H. F. No. 82, "An act to attach part of Monroe county to Platte county;"

H. F. No. 147, "An act for holding district courts in Columbus, Platte county;"

H. F. No. 47, "A bill for an act to prevent overdrawing public funds in counties, and to compel county commissioners to give bonds;"

H. F. No. 165, "A bill for an act explanatory of an act to legalize the collection of taxes in Cass county in the year 1857;"

H. F. No. 49, "An act to provide for the erection of a jail in Otoe county;"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Noel of Nemaha, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Mr. Speaker:

Your committee ask leave to report that they have this day presented to the Governor for his approval:

"An act to frame a constitution and state government for the state of Nebraska;"

"An act to locate a territorial road from Decatur to De Soto;"

"An act to fix the times for holding the district courts in the first judicial district;"

"An act to authorize John Maulding and Cyrus Wright to erect a mill dam across the Great Nemaha river in Johnson county, N. T.;"

"An act to amend an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru in Nemaha county;'"

"An act to change the name of George Anna Florence Anderson to Florence Forney;"

"An act to authorize J. B. Weston to erect a mill dam across Big Blue river;"

"An act supplemental to 'An act for locating, opening and repairing county roads,' approved October 29th, 1858;"

And, also

"Joint memorial asking for extension of mail route from Dakota city to Fort Randall."

NOEL and REYNOLDS,
Committee.

Mr. Reynolds of Otoe, introduced

H. F. No. 195, "Memorial praying for an appropriation for a geological survey."

Read the first time.

On motion of Mr. Brodhead of Otoe,

The rules were suspended, and the bill by its title read second and third time and put on its passage.

Passed and title agreed to.

Mr. Maxwell of Cass, introduced

H. F. No. 196, "A bill for an act to provide for a territorial board of equalization, consisting of one assessor from each organized county of Nebraska Territory."

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Ways and Means.

Mr. Nuckolls of Otoe, moved to reconsider the vote by which the House refused to have 500 copies of the bill on state organization printed.

Carried.

And the vote was reconsidered.

Question recurring on the motion to print 500 copies,

Mr. Noel of Nemaha, moved to amend the motion by inserting 1000 copies.

Amendment withdrawn.

Original motion to print 500 copies withdrawn.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 86, entitled "A bill to change and redefine the boundaries of Dixon, Cedar and L'eau-qui-Court counties,"

Having had the same under consideration, report the bill back to the House and recommend its passage. JAMES TUFTS, for Committee.

Mr. Brodhead of Otoe, chairman of the Committee on Federal Relations, to whom was referred the communication of His Excellency Gouvernor Steele, submitted a report relative thereto.

Mr. Rogers of Dodge, moved to lay the report on the table.

Mr. Reynolds of Otoe, moved to recommit to the Committee on Federal Relations.

Carried.

C. B. No. 98, "A bill for an act to locate a territorial road from St. Johns to the Ponca reservation."

Taken up.

Read the first time.

On motion, "

The rules were suspended and the bill by its title read a second time, and referred to the Committee on Roads.

Mr. Collier of Burt, chairman of special committee, submitted the following report:

Mr. Speaker:

Your special committee to whom was referred

C. B. No. 47, "A bill for an act fixing the salary of district attorneys."

Having had the same under consideration, respectfully report: That the Committee of the Whole House reported "A bill for an act regulating fees of officers," wherein the salary of each district attorney was fixed at fifteen hundred dollars per annum, and that bill has been engrossed and passed its third reading in the House; that the Council bill No. 47, relates to salaries of district attorneys exclusively, and provides the salaries of such officers shall be two thousand dollars.

The committee have not been able to agree on the amount of salary, and report the bill back to the house without recommendation as to salary.

The committee recommend that if it is the sense of the House, that the salaries of said officers shall be two thousand dollars, as provided in this bill, the bill reported by the Committee of the Whole, should be recommitted for amendment in that particular, and that the consideration of the Council bill herewith returned should be postponed.

And your committee ask to be discharged from farther duty.

DAVID S. COLLIER,
JESSE NOEL,
BARNABAS BATES.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Wednesday, January 11th, 1860.

Mr. Speaker:

Your committee to whom was referred

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt, and the redemption of territorial warrants,"

Have had the same under consideration, and have directed me to offer a substitute and recommend its passage.

JOHN C. CAMPBELL, Chairman.

Mr. Tufts of L'eau-qui-Court, chairman of the Committee on Boundaries and County Seats, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 102, "A bill for an act to locate the county seat of Cass county by a vote of the people,"

Have had the same under consideration, and report the bill back to the House without amendment and recommend its passage.

JAMES TUFTS, Chairman.

Mr. Collier of Burt, moved that the rules be suspended and the House take up

H. F. No. 35, "A bill for an act entitled 'An act regulating fees and salaries.'"

Lost.

Mr. Myers of Richardson, on leave introduced

H. F. No. 197, "Preamble and joint resolution."

Read the first time.

Mr. Myers moved that the rules be suspended and the bill by its title read the second time:

Lost.

C. B. No. 94, "A bill for an act defining the duties of the Territorial Librarian, and for other purposes."

Taken up.

On motion,

The rules were suspended and the bill by its title read first and second time and referred to the Committee on Library.

The following message was received from the Governor, through the hands of his private secretary:

EXECUTIVE CHAMBER,

Omaha, January 11th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am directed by the Governor to inform your honorable body that he has signed and approved the following bills, viz:

"An act to locate a territorial road from Decatur to De Soto;"

"An act to fix the time for holding the district courts in the first judicial district;"

"A memorial and joint resolution relative to a mail route;"

"An act to authorize John Maulding and Cyrus Wright to erect a mill dam across the Great Nemaha river;"

"An act supplemental to 'An act for locating and repairing county roads,' approved October 29th, 1858."

"An act to authorize J. B. Weston to erect a mill dam across Big Blue river."

JOHN McCONIHIE,
Private Secretary.

C. B. No. 77, "Joint resolution for the determination of the claims of the code commissioners of 1855 and their clerks,"

Taken up.

Read the first time.

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

C. B. No. 102, "A bill for an act to authorize the holding of special terms of the district courts in Nebraska,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

C. B. No. 109, "Joint resolution in favor of Lewis Driskell,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read the second and third time and put on its passage.

Bill passed and title agreed to.

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council,"

Taken up.

Read the first time.

Mr. Davis of Cass, moved to amend by striking out "\$100" and inserting "\$80."

Lost.

On motion,

The rules were suspended, and the bill by its title read second and third time and put on its passage.

Bill passed and title agreed to.

C. B. No. 103, "A bill for an act to locate a territorial road in Nemaha and Pawnee counties,"

Taken up.

Read the first time.

Mr. Goshen of Johnson, moved that the bill be indefinitely postponed.

Carried.

C. B. No. 110, "A bill for an act to authorize James Vanduzen and R. S. Parks to keep a ferry across the North fork of Platte river below Fort Laramie,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read second and third time and put on its passage.

Bill passed and title agreed to.

C. B. No. 67, "A bill for an act to prevent trespass on timber lands,"

Taken up.

On motion of Mr. Campbell of Otoe,

The rules were suspended, and the bill by its title read the first and second time and referred to the Committee on Agriculture.

C. B. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. Depuy and George Depuy,"

Taken up.

Read the first time.

On motion,

The rules suspended, and the bill by its title read second and third time and put on its passage.

Passed and title agreed to.

C. B. No. 84, "A bill for an act to allow W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide for the manner of paying for the same,"

Taken up.

On motion of Mr. Collier of Burt,

The rules were suspended, and the bill by its title read the second and third time and put on its passage.

Passed and title agreed to.

C. B. No. 108, "A bill for an act in relation to jurors' fees,"

Taken up.

Read the first time.

On motion of Mr. Collier of Burt,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

C. B. No. 101, "A bill for an act to incorporate the city of Ionia,"

Taken up.

Read the first time.

On motion,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace,"

Taken up.

Read the first time.

On motion of Mr. Johnson of Douglas,

The rules were suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

H. F. No. 187, "A bill for an act to incorporate the Bellevue land claim association."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 183, "A bill for an act to incorporate Falls city."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 92, "Joint resolution relative to printing laws and journals."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
Omaha, January 11th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has this day signed and approved

"An act to frame a constitution and state government for the state of Nebraska."

JOHN MCCONIHIE,
Private Secretary.

The following message was received from the Council:

COUNCIL CHAMBER,
January 11th, 1860. }

Mr. Speaker:

I am instructed to announce to your honorable body, that the Council have passed

C. B. No. 111, "A bill for an act in relation to the territorial revenue,"

And solicit the concurrence of the House therein:

S. M. CURRAN, Chief Clerk.

Mr. Collier of Burt, moved that the House go into Committee of the Whole for the purpose of considering

C. B. No. 21, and H. F. No. 107, "Bills relative to a homestead."

Mr. Belden of Douglas, on leave introduced

H. F. No. 198, "Joint resolution providing for the payment of the pages of the House during the present session."

Read the first time.

Mr. Hanscom of Douglas moved to suspend the rules and read the bill a second and third time by its title, and put it on its passage.

Carried.

Rules suspended.

The bill by its title read second and third time.

Passed and title agreed to.

Mr. Reck of Platte, introduced

"Joint resolution providing for the payment of the fireman of the House during the present session."

Read the first time.

Mr. Reck moved that the rules be suspended and the bill read a second and third time and put on its passage.

Carried.

Rules suspended.

Bill by its title read second and third time.

Passed and title agreed to.

The question occurring on the motion to go into Committee of the Whole, it was

Carried.

The House now resolved itself into a Committee of the Whole, having under consideration

H. F. No. 107, "A bill for an act to exempt property from execution and attachment;"

And,

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution."

Mr. Collier of Burt, in the chair.

Message from the Council announced.

The Speaker having resumed the chair, the message as follows was received:

COUNCIL CHAMBER,
January 11th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed

C. B. No. 112, "An act to establish a ferry across the Platte river at Kearney city,"

And respectfully request your concurrence therein.

S. M. CURRAN, Chief Clerk.

The House again went into Committee of the Whole.

The House having resumed business,

Mr. Collier, chairman from the Committee of the Whole, reported that the committee had had the several bills relative to a homestead, under consideration, and reported progress and asked leave to sit again.

House took a recess at 1 o'clock P. M. until 2½ o'clock P. M.

Afternoon Session—2½ o'clock P. M.

House met and resumed business.

The Speaker in the chair.

H. F. No. 177, "A bill for an act to authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river,"

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Hanscom of Douglas, moved that the House do now resolve itself into Committee of the Whole for the purpose of considering the homestead bills.

Lost.

Mr. Noel of Nemaha, moved that the rules be suspended, and the House take up

H. F. No. 140, "A bill for an act to re-enact, revise and collate certain acts and parts of acts in the Territory of Nebraska."

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Bain, Baker, Barnard, Brodhead, Crowe, Davis, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stephenson and Stewart.—19.

Nays—Messrs. Arnott, Belden, Bowen, Collier, Hanscom, Johnson, Kennedy, Lake, Malcolm, Reck, Rogers and Tufts.—12.

It requiring a two-third vote to suspend, the motion was

Lost.

Mr. Reck of Platte, moved that the House resolve itself into Committee of the Whole for the purpose of considering the homestead bills.

• Lost.

Mr. Kennedy of Douglas, moved that the rules be suspended and the House take up

H. F. No. 35, "A bill for an act relative to the fees of certain officers."

Carried.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 102, "An act authorizing the holding special terms of district courts in Nebraska,"

Have, according to order, had the same under consideration, and have instructed me to report the bill back to the House with the recommendation that the same be indefinitely postponed.

By order of the Committee on Judiciary.

GEORGE B. LAKE, Chairman.

Also the following :

Mr. Speaker :

Your committee to whom was referred

C. B. No. 77, "A joint resolution for the determination of the claims of the code commissioners of 1855,"

Have, according to order, had the bill under consideration, and have directed me to report the same back to the House without amendment or recommendation. All of which is most respectfully submitted.

By order of the committee.

GEORGE B. LAKE, Chairman.

Mr. Campbell of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 196, "A bill for an act to provide for a territorial board of equalization, consisting of one assessor from each organized county of Nebraska Territory,"

Have had the bill under consideration, and report the same back to the House and recommend its passage. J. C. CAMPBELL, Chairman.

H. F. No. 35, "A bill for an act relative to the fees of certain officers,"
Taken up.

Mr. Johnson of Douglas, in the chair.

Mr. Strickland of Sarpy, moved to recommit the bill to a committee of one, with instructions to strike out the words "fifteen hundred" in the third line of section 3, and insert "two thousand," and report instant.

Carried.

Mr. Strickland appointed said committee.

Mr. Davis of Cass, moved to strike out "two" and insert "three," where it relates to the per diem of county commissioners; and to strike out "thirty cents" and insert "fifty cents," where it relates to fees of register of deeds.

Mr. Belden of Douglas, moved to lay the motion on the table.

Withdrawn.

Mr. Strickland, the committee of one to whom was referred

H. F. No. 35, "A bill for an act relative to the fees of certain officers,"
Reported the bill back according to instructions.

The ayes and nays were demanded on the adoption of the amendment, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Bates, Belden, Bowen, Burbank, Crowe, Davis, Goshen, Hanscom, Keeling, Kennedy, Lake, Malcolm, McCasland, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Stewart.—23.

Nays—Messrs. Baker, Brodhead, Campbell, Collier, Johnson, Latta, Marquette, Maxwell, Reynolds, Rogers, Stephenson and Tufts.—12.

So the amendment was adopted.

Mr. Davis of Cass, moved to strike out "two" and insert "three," where it relates to the per diem of county commissioners, and to strike out "thirty," and insert "fifty," where it relates to fees of register of deeds.

Mr. Hanscom of Douglas, moved to amend the amendment by instructing the committee to strike out "thirty cents for the first hundred words," and insert in lieu thereof "one dollar."

Amendment accepted.

The ayes and nays were demanded on the adoption of the amendment, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Bates, Belden, Bowen,

Burbank, Brodhead, Collier, Crowe, Davis, Goshen, Johnson, Keeling, Lake, McCasland, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stewart and Tufts—24.

Nays—Messrs. Barnard, Campbell, Hanscom, Kennedy, Latta, Malcolm, Marquette, Maxwell, Noel, Reck, Reynolds and Stephenson.—12.

So the amendment was adopted.

Mr. Strickland moved to recommit the bill to the committee, with instructions to report the following amendment:

Section 38. Provided that the provisions of this act shall not apply to Sarpy, Johnson, Nemaha, Pawnee, Gage, Clay, Richardson, Hall and Buffalo counties, as far as county officers are concerned.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Brodhead, Goshen, Keeling, McCasland, Nuckolls of Richardson and Shields.—12.

Nays—Messrs. Belden, Bowen, Campbell, Collier, Crowe, Davis, Hanscom, Johnson, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Noel, Nuckolls of Otoe, Reck, Reynolds, Rogers, Stephenson and Stewart.—21.

So the motion to recommit was

Lost.

Mr. Collier of Burt, moved that the bill be put upon its passage.

Mr. Latta of Cass, called for the previous question.

Mr. Reck of Platte, moved to strike out the enacting clause.

Ruled out of order.

Question then being "Shall the main question be put?" it was

Carried.

The question then being "Shall the bill be put upon its passage?" it was

Carried.

The bill was then read a third time.

Question occurring on the passage of the bill, the ayes and nays were demanded with the following result:

Ayes—Messrs. Adams, Bain, Baker, Barnard, Belden, Bowen, Burbank, Brodhead, Collier, Crowe, Davis, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Noel, Nuckolls of Otoe, Reynolds, Rogers, Stephenson and Stewart.—26.

Nays—Messrs. Arnott, Campbell, Goshen, McCasland, Nuckolls of Richardson, Reck, Shields, Taffe and Tufts.—9.

So the bill passed, the title was agreed to.

Mr. Johnson of Douglas, moved that the House resolve itself into a Committee of the Whole for the purpose of considering the several homestead bills.

Carried.

Wednesday, January 11th, 1860.

The House now resolved itself into a Committee of the Whole with Mr. Collier of Burt, in the chair, having under consideration C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution;"

And,

H. F. No. 107, "A bill for an act to exempt property from execution and attachment,"

And a substitute thereto reported by the Committee on Judiciary.

Message from the Governor announced.

The Speaker resumed the chair when the following message was received from the Governor:

EXECUTIVE CHAMBER,
Omaha, January 11th, 1860. }

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body that the following bills have received his approval and signature:

"An act to incorporate the Peru hydraulic and manufacturing company;"

"An act to fix the time of holding the district courts in the counties comprising the second judicial district of Nebraska Territory;"

"An act to incorporate a seminary to be located at Peru, Nemaha county, Nebraska Territory."

The Governor directs me also to announce to your honorable body the following message, and to return herewith

"An act to amend an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county, Nebraska Territory,' approved Nov. 3d, 1858."

JOHN MCCONNIE,
Private Secretary.

To the Honorable the House of Representatives:

I can not give my assent to

"An act to amend an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru,'"

And it is herewith returned. When the exclusive grant was bestowed, it was on the condition that the public should have the benefit of a steam ferry boat. To strike out the word "steam" is to take away from the community the accommodation to which it is entitled, from the exclusive privilege conferred on the grantee by a former Legislature.

SAMUEL W. BLACK.

Executive Chamber, Jan'y 11th, 1860.

The House again went into Committee of the Whole.

Message from the Governor announced.

The Speaker resumed the chair, when the following message from the Governor was received:

Wednesday, January 11th, 1860.

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EXECUTIVE CHAMBER,
Omaha, Jan'y 11th, 1860. }

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body the following message, and to return herewith

Bill No. 39, "An act to authorize Thomas Patterson, William H. Spratlin and Granville E. Fleming, their heirs and assigns, to keep a ferry across the Missouri river at Rock Bluffs city in Cass county, Nebraska Territory;"

And

Bill No. 55, "An act to authorize Stephen Story, Jasper G. Lewis and Henry R. Price to establish and keep a ferry across the Missouri river at St. Steven in Richardson county."

JOHN McCONIHE,
Private Secretary.

To the Honorable the House of Representatives:

Bill No. 39 is returned with my objections. The act confers on certain persons the exclusive and perpetual privilege of keeping a ferry.

In a message to the Council, I have stated my objections to these special and exclusive grants, in all cases, when general laws, applicable to all men alike, and sufficient for the necessities and convenience of the public, are in force. I respectfully invite your attention to the general law "regulating ferries," approved November 3, 1858. This law gives the power of granting ferry licenses to the commissioners of each county, and very properly makes the grant a means of revenue to the different counties in which ferries may be established. The general law seems to be all sufficient. If it is not so you can easily amend it.

I return also, without my approval, Bill No. 55; the objections to Bill No. 39 are directly applicable to this.

SAMUEL W. BLACK.

Executive Chamber, January 11th, 1860.

The House again went into Committee of the Whole.

The House having resumed business,

Mr. Collier of Burt, chairman from the Committee of the Whole, reported that the committee have considered the several homestead and exemption bills, C. B. No. 21, H. F. No. 107 and a substitute reported by the Committee on Judiciary, and return the Council Bill, No. 21, amended as follows: 1st, by striking out section (2) two; 2d, by striking out word "or," in the first line of the fifth part of section 8, and inserting the word "and;" 3d, by striking out section 11; 4th, by inserting as follows: "Section 11, That the provisions of this act shall not apply to any debt hereafter contracted outside of this Territory by merchants, for goods and merchandize;" 5th, by striking out the words "its passage," in section twelve (12), and inserting the words "the first day of May, A. D. eighteen hundred and sixty."

And the committee recommend that the bill pass the House as amended.

DAVID L. COLLIER, Chairman.

H. F. No. 180, "A bill for an act to amend 'An act to incorporate Nemaha city, in the county of Nemaha,' approved January 22d, 1856,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 101, "A bill for an act to provide for auditing the accounts of county commissioners."

Read the third time.

Mr. Nuckolls of Otoe, moved that the bill be indefinitely postponed.
Carried.

Mr. Brodhead of Otoe, moved that one thousand copies of the bill on state organization be printed.

Mr. Johnson of Douglas, moved to amend by making it five hundred copies.

Amendment accepted.

Question occurring on the motion as amended, it was

Carried.

H. F. No. 170, "An act to legalize the acts of the county commissioners of Pawnee county."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Noel of Nemaha, moved that the House take up the substitute to H. F. No. 140, "A bill for an act to revise, collate and re-enact certain acts and parts of acts in force in the Territory of Nebraska."

Carried.

On motion of Mr. Noel,

The substitute was adopted.

Mr. Hanscom of Douglas, moved to amend the bill by striking out "\$800" and inserting "\$100."

Mr. Noel of Nemaha, moved to amend the amendment by striking out "\$800" and inserting "\$1000."

Amendment to the amendment was

Lost.

Question occurring on the original motion, it was

Lost.

Mr. Hanscom of Douglas, moved to amend by striking out "\$800" and inserting "\$1500."

Mr. Noel of Nemaha, moved to amend the amendment by striking out "\$800" and inserting "\$900."

Amendment to the amendment was

Lost.

Mr. Bates of Dakota, moved to amend by striking out "\$800" and inserting "\$1200."

Lost.

Question occurring on the original motion to insert "\$1500," it was

Lost.

Mr. Johnson of Douglas, moved to amend by striking out "\$800" and inserting in lieu thereof "\$600."

Lost.

Mr. Burbank of Richardson, moved to amend by striking out "\$800" and inserting "\$500."

Lost.

Mr. Campbell of Otoe, moved to fill the blank in sections 2 and 3 with the name of Oliver P. Mason.

Lost.

Mr. Noel of Nemaha, moved to fill the blank in sections 2 and 3 with the name of Seymour Belden.

Carried.

Mr. Lake of Douglas, moved to amend 1st section, 5th line, by striking out after the word "passed," the words "prior to the present session of the Legislature," and insert the words "at the second session of the Legislature of Nebraska."

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Belden, Burbank, Brodhead, Campbell, Hanscom, Lake, Rogers and Stewart.—8.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Bowen, Collier, Crowe, Davis, Goshen, Johnson, Keeling, Kennedy, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Stephenson and Taffe.—26.

So the motion to amend was

Lost.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Kennedy of Douglas, moved that the House take up the home-
stead bills.

Not entertained.

Mr. Latta of Cass, moved to amend as follows: "that when the compilation has been completed, the whole work shall be submitted to the approval of the Hon. Augustus Hall, judge of the supreme court."

Mr. Bates of Dakota, moved that the House take up the usury bill.

Not entertained.

Mr. Burbank of Richardson, moved that the bill be postponed until to-morrow.

Mr. Campbell of Otoe, moved that the bill be engrossed.

Question then occurring on the motion to postpone, it was

Lost.

Mr. Nuckolls of Otoe moved to adjourn.

Lost.

Mr. Marquette of Cass, moved that the bill be put upon its passage.
Withdrawn.

Mr. Hanscom of Douglas, moved to amend sections 2 and 3, after the words "Seymour Belden," insert the words "and John Howard."

Carried.

Mr. Collier of Burt, moved that the bill be engrossed for a third reading on to-morrow.

Mr. Noel of Nemaha, moved that the bill be read a third time and put upon its passage, and upon that called the previous question.

Not entertained.

Question occurring on the motion of Mr. Collier, it was

Lost.

Mr. Nuckolls of Otoe, moved to amend by striking out "\$800" and inserting in lieu thereof "\$1200."

Declared out of order.

Mr. Maxwell of Cass, asked leave to amend.

Speaker decided amendments out of order.

Mr. Hanscom moved that the rules be suspended and that Mr. Maxwell have leave to amend.

Lost.

Mr. Hanscom moved to adjourn.

Lost.

Call of the House ordered.

Absent—Messrs. Adams, Malcolm and Tufts.

Mr. Bates of Dakota, moved that the Sergeant-at-arms be dispatched after absentees.

Mr. Brodhead of Otoe, asked leave of absence for Mr. Tufts.

Leave not granted.

Mr. Noel of Nemaha, moved that all further proceedings under the call be dispensed with.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Keeling, Kennedy, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Richardson, Reynolds, Shields and Stephenson.—23.

Nays—Messrs. Bates, Belden, Brodhead, Campbell, Hanscom, Johnson, Lake, Nuckolls of Otoe, Reck, Rogers, Stewart and Taffe.—12.

It requiring a two-thirds vote to suspend the rules of the House, it was

Lost.

Mr. Collier of Burt, moved that all further proceedings under the call be dispensed with.

Declared out of order.

Mr. Nuckolls of Otoe, moved to adjourn.

Lost.

Mr. Kennedy of Douglas moved that Mr. Malcolm be excused.

Mr. Johnson of Douglas, moved to adjourn.

Lost.

Mr. Nuckolls of Otoe, moved that the House take a recess until 9 o'clock.

Question occurring on the motion to excuse Mr. Malcolm,

Withdrawn.

Mr. Collier of Burt, moved that Dr. Malcolm be excused, and upon that called the previous question. /

Mr. Burbank of Richardson, moved to adjourn.

Declared out of order.

Mr. Collier asked to withdraw the motion to excuse Dr. Malcolm.

Leave not granted.

Mr. Burbank moved to adjourn.

Lost.

Mr. Collier of Burt, asked leave to withdraw the motion to excuse Dr. Malcolm.

Leave granted and the motion withdrawn.

Mr. Campbell of Otoe, moved that Mr. Malcolm be excused.

Mr. Noel of Nemaha, moved that all further proceedings under the call be dispensed with.

Declared out of order.

Mr. Hanscom of Douglas, having the floor under the decision of the Chair,

Mr. Collier appealed from the decision of the Chair.

Mr. Bowen of Washington, called the previous question.

Mr. Campbell of Otoe, asked leave to withdraw the motion to excuse Mr. Malcolm.

Mr. Collier of Burt, moved that all further proceedings under the call be dispensed with, and upon that

Mr. Bowen called the previous question.

Mr. Marquette of Cass, moved a call of the house.

Declared out of order.

Mr. Hanscom of Douglas, moved to adjourn.

Lost.

Mr. Campbell of Otoe, moved a call of the House.

Call of the House ordered.

Absent—Messrs. Malcolm and Tufts.

Mr. Reynolds of Otoe, moved that all further proceedings under the call be dispensed with.

Mr. Nuckolls of Otoe, moved that Mr. Malcolm be excused.

Mr. Kennedy of Douglas, moved that all further proceedings under the call be dispensed with.

Mr. Collier called the previous question.

The Speaker refusing to entertain the motion of Mr. Nuckolls of Otoe, on the ground that it was not in order,

Mr. Hanscom of Douglas, appealed from the decision of the chair.

The question then being "Shall the decision of the chair stand as the judgment of the House?" it was decided in the affirmative.

The question then occurring as to whether the main question shall be put, it was

Carried.

The question then being to dispense with all further proceedings under the call of the House, it was

Carried.

Thursday, January 12th, 1860.

And all further proceedings under the call dispensed with.

The question then being "Shall the bill be read a third time?" it was decided in the affirmative and the bill was read a third time.

Mr. Hanscom of Douglas, moved that the bill be recommitted.

The Sergeant-at-arms appeared within the bar with Mr. Tufts.

The motion to recommit was declared out of order.

The question occurring on the passage of the bill the ayes and nays were demanded with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bates, Brodhead, Crowe, Davis, Goshen, Johnson, Keeling, Kennedy, Latta, Marquette, McCasland, Maxwell, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields and Stephenson.—24.

Nays—Messrs. Belden, Bowen, Burbank, Campbell, Collier, Hanscom, Lake, Reck, Rogers, Stewart, Taffe and Tufts.—12.

So the bill passed and title agreed to.

Mr. Reynolds of Otoe, moved to reconsider the vote by which the House passed the bill, and to lay the motion to re-consider on the table. Carried.

Mr. Maxwell of Cass, moved to adjourn.

Carried.

And the House adjourned at 8½ o'clock, P. M.

HOUSE OF REPRESENTATIVES,
Thursday, January 12th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

A quorum being present, the Journal of yesterday's session was read and approved.

Mr. Bates of Dakota, introduced

H. F. No. 200, "A bill for an act to amend an act entitled 'An act to incorporate the city of Dakota.'"

Read the first time.

On motion of Mr. Tufts of L'eau-qui-Court,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Reynolds of Otoe, introduced

H. F. No. 201, "Joint resolution, making an appropriation for the erection of a tomb stone at the grave of Hon. T. B. Cuming."

Read the first time.

Mr. Reynolds of Otoe, moved that the rules be suspended, the bill read a second and third time by its title and placed upon its passage.

Lost.

Mr. Davis of Cass, moved that the rules be suspended the bill by its title read a second time and referred to the Committee on Ways and Means.

Lost.

On motion,

The rules were suspended.

The bill by its title read a second time.

The rules again suspended.

The bill read a third time.

And the question then being on its passage, the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Arnott, Belden, Brodhead, Hanscom, Johnson, Keeling, Kennedy, Malcolm, Reck and Reynolds.—11.

Nays—Messrs. Bain, Baker, Barnard, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Goshen, Latta, Marquette, McCasland, Maxwell, Noel, Nuckolls of Richardson, Rogers, Shields, Stephenson, Stewart, Taffe and Tufts.—22.

So the bill upon its passage was

Lost.

Mr. Baker of Nemaha, introduced

H. F. No. 202, "A bill for an act to authorize the counties of this Territory to issue warrants for the purpose of encouraging the discovery of coal."

Read the first time.

Mr. Baker of Nemaha, moved that the rules be suspended, and the bill by its title read a second time and referred to appropriate committee.

Mr. Kennedy of Douglas, moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Tufts of L'eau-qui-Court, moved that the rules be suspended, and the bill by its title read a second time and referred to the Committee on Corporations.

Lost.

Mr. Goshen of Johnson, introduced the following:

Resolved, That the thanks of the House are due our Speaker, the Hon. Silas A. Strickland, for the impartial manner in which he has discharged the responsible and difficult duties of Speaker of the House. Our thanks are also due to all the other officers for the faithful discharge of their respective duties, during the present session of the Legislature.

Laid over under the rule.

The following message was received from the Council:



H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city,"

Has been amended in the Council by the addition of a new section as "Section 4. Provided the Legislature retains the power to repeal this charter."

And the concurrence of your honorable body is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Collier of Burt, moved to reconsider the vote by which the House refused to pass

H. F. No. 201, "Joint resolution making an appropriation for the erection of a tomb stone at the grave of Hon. T. B. Cumming."

Carried, and

Vote reconsidered.

On motion of Mr. Collier of Burt,

The bill was referred to the Committee on Accounts and Expenditures.

C. B. No. 86, "A bill for an act to change and redefine the boundaries of Cedar, Dixon and L'eau qui-Court counties."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 51, "A bill for an act to locate a territorial road in Cass county."

Taken up.

Read the third time,

Passed and title agreed to.

H. F. No. 97, "A bill for an act to authorize Fellows D. Pease and others to keep a ferry on the Missouri river."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 99, "A bill for an act to authorize Michael Jones and others to keep a ferry at St. Helena in Cedar county,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 130, "Joint resolution for an appropriation to build a bridge over the Little Nemaha river,"

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Call of the House ordered.

Absent—Messrs. Stewart and Adams.

Mr. Davis of Cass, moved that all further proceedings under the call be dispensed with.

Carried.

The question occurring on the motion to indefinitely postpone, the ayes and nays were had, with the following result:

Ayes—Messrs. Arnott, Barnard, Hanscom, Kennedy, Lake, Marquette, Maxwell, Reck, Shields, Stephenson, Stewart, Taffe and Tufts.—13.

Nays—Messrs. Adams, Bain, Baker, Bates, Belden, Bowen, Burbank, Brodhead, Campbell, Collier, Crowe, Davis, Goshen, Johnson, Keeling, Latta, Malcolm, McCasland, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds and Rogers.—24.

So the motion to indefinitely postpone was

Lost.

Mr. Marquette of Cass, moved to amend by inserting after the word "dollars" in the 1st section, "likewise appropriate \$500 to build a bridge across Salt creek in Cass county."

Mr. Reynolds of Otoe, moved to amend the amendment by adding "at such point as the county commissioners of Cass, Otoe and Nemaha counties can agree upon."

Mr. Noel of Nemaha, moved to lay the amendment, and the amendment to the amendment on the table.

Carried.

Mr. Noel of Nemaha, moved that the bill be now read a third time and placed upon its passage, and upon that called the previous question.

Not entertained.

Bill read a third time.

Mr. Campbell of Otoe, called the previous question.

Not entertained.

The question occurring on the passage of the bill, the ayes and nays were had, with the following result:

Ayes—Messrs. Adams, Bain, Baker, Bowen, Burbank, Brodhead, Campbell, Collier, Crowe, Goshen, Keeling, Kennedy, Malcolm, McCasland, Myers, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Rogers and Taffe.—21.

Nays—Messrs. Arnott, Barnard, Davis, Hanscom, Johnson, Lake, Latta, Marquette, Maxwell, Reck, Shields, Stephenson, Stewart and Tufts.—14.

So the bill was passed.

The title was agreed to.

H. F. No. 155, "A bill for an act for the relief of road district No. 7, in Sarpy county,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 103, "A bill for an act to authorize certain parties to keep a ferry on the South fork of the Platte river,"

Taken up.

Read the third time.

Passed and title agreed to.

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The following message was received from the Council:

COUNCIL CHAMBER,
January 12th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed

C. B. No. 116, "Joint resolution for the relief of Wilber F. Stone;"

C. B. No. 117, "A bill for an act to locate a territorial road in Cass county;"

And the concurrence of the House therein is respectfully requested.

I also return to your honorable body

H. F. No. 103, "A bill for an act to establish a ferry across the South Platte river at St. Vrain in St. Vrain county, Nebraska Territory;"

The same having passed the Council with the following amendment: Add at end of section 2, "Provided that the Legislature shall have the power at any time hereafter to alter, amend or repeal this act."

S. M. CURRAN, Chief Clerk.

H. F. No. 51, "A bill for an act providing for the vacation of a part of the town plat of the town of Fremont."

Taken up.

Read the third time.

Mr. Kennedy of Douglas, moved to indefinitely postpone.

Lost.

The question being on its passage,

The bill was passed and title agreed to.

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution."

Taken up, and

The amendments proposed thereto in Committee of the Whole,

Adopted.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills, ask leave to report that they have this day presented to the Governor for his approval,

"An act to provide for the erection of a jail in Otoe county;"

"An act to attach a part of Monroe county to Platte county;"

"An act explanatory of 'An act to legalize the collection of taxes in Cass county for the year 1857;'"

"An act for holding district courts in Columbus, Platte county;"

"An act to vacate a part of the town site of the town of Wyoming;"

"An act to locate a territorial road in Dodge county;"

"An act to incorporate the Omaha building and loan association," also,

"An act to re-define the western boundaries of Washington county."

JESSE NOEL,

MILTON W. REYNOLDS,

Committee,

Mr. Collier of Burt, moved to recommit the bill to a special committee, with instructions to amend section 1, by the addition of the following: "Provided, that the homestead mansion and twenty acres of the land whereon the mansion is situate, and land adjoining the same to the extent of \$500 in value, all being without an incorporated town, city or village, shall be exempted, and no more."

Mr. Keeling of Nemaha, moved to amend the amendment by inserting "\$1000" in lieu of "\$500."

Call of the House ordered.

Absent—Messrs. Kennedy and Myers.

Mr. Burbank of Richardson, asked leave of absence for Mr. Myers for to-day.

Not granted.

Mr. Reynolds of Otoe, moved that all further proceedings under the call be dispensed with.

Carried.

The amendment to the amendment withdrawn.

The question being on the motion to recommit with instructions,

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Belden, Burbank, Brodhead, Campbell, Collier, Crowe, Davis, Gosheu, Keeling, Lake, Latta, Marquette, McCasland, Maxwell, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Stephenson, Stewart, Taffe and Tufts.—22.

Nays—Messrs. Adams, Arnott, Baker, Barnard, Bates, Bowen, Hanscom, Johnson, Kennedy, Malcolm, Noel, Reek, Reynolds and Shields.—14.

So the motion to recommit with instructions was

Carried.

Mr. Campbell of Otoe, moved that the committee be instructed to insert "physicians" after "clerks," in the second line of section 9.

Carried.

Messrs. Collier, Reynolds and Hanscom were appointed such special committee.

On motion of Mr. Collier of Burt,

Leave of absence was granted the committee.

C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case."

Taken up.

Mr. Campbell of Otoe, moved to amend by adding, "provided this act shall not affect any suit which has been commenced for alimony or which may be commenced within one year."

The following message received from the Executive by the hands of his private secretary:

EXECUTIVE CHAMBER,

Omaha, Jan'y 12th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to incorporate the university of Columbus in Platte county;"

"An act to change the name of George Ann Florence Anderson to Florence Forney;"

"An act to incorporate the Lutheran church of Omaha city, N. T.;"

"An act to attach part of Monroe county to Platte county;"

"An act to locate a territorial road in Dodge county;"

"An act to provide for the holding of district courts in the town of Columbus, Platte county;"

And, also

"An act explanatory of an act entitled 'An act to legalize the collection of taxes in Cass county, for the year 1857,' approved Nov. 4th, 1858."

JOHN McCONIHIE,

Private Secretary.

Mr. Noel of Nemaha, presented the petition of J. D. Thompson and others; the affidavit of Elizabeth E. Case, and the certificate of James M. Templeton, relating to the bill under consideration.

The petition, affidavit and certificate were read.

Mr. Goshen of Johnson, moved to lay the amendment on the table.

Carried.

The bill was read a third time, and the question then being on the passage of the bill, the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Baker, Barnard, Bates, Belden, Bowen, Burbank, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Marquette, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stephenson and Stewart.—22.

Nays—Messrs. Adams, Bain, Brodhead, Campbell, Collier, Kennedy, Lake, Latta, Malcolm, McCasland, Myers, Reck, Reynolds, Taffe and Tufts.—15.

So the bill was

Passed.

The title was agreed to.

C. B. No. 57, "Joint resolution for the determination of the claims of the code commissioners of 1855, and their clerks,"

Taken up.

Mr. Hanscom of Douglas, moved to amend by adding: "Provided further, That the sum so allowed by the Auditor shall not exceed the sum of two hundred and fifty dollars for each commissioner or clerk, which sum shall be in full satisfaction for their claims."

Pending which,

Mr. Belden of Douglas, moved that Gov. O. D. Richardson, one of the

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commissioners, be allowed to make a verbal statement to the House, of the facts upon which the claim is based.

Carried, and

Such verbal statement made.

The following message received from the Council:

COUNCIL CHAMBER,
January 12th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council has passed

C. B. No. 91, "A bill for an act to define the powers and duties of county clerks;"

And to respectfully request the concurrence of your honorable body therein.

S. M. CURRAN, Chief Clerk.

Mr. Noel of Nemaha, moved to lay the amendment on the table.

Withdrawn.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 190, "A bill for an act to confirm the election of J. W. Moore as coroner of the county of Otoe,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment and without recommendation.

All of which is respectfully submitted. By order of the Judiciary Committee.

GEORGE B. LAKE, Chairman.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 108, "A bill for an act in relation to jurors' fees,"

Have had the same under consideration, and have directed me to report the same back to the House without amendment and without recommendation.

By order of the Judiciary Committee.

GEORGE B. LAKE, Chairman.

Mr. Lake of Douglas, chairman of the Judiciary Committee, submitted the following majority report:

Mr. Speaker:

The majority of your committee to whom was referred

H. F. No. 166, "A bill for an act to dissolve the bonds of matrimony between Alexander McCartney and Bridget McCartney,"

Have, according to order, had the same under consideration, and would most respectfully report to the House, that the evidence pro-

duced before your committee shows most conclusively, that the said Bridget has, for the period of more than two years past, been guilty of gross neglect of duty as the wife of the said Alexander, and has for that time, without the assent of her husband and without any cause therefor, abandoned her home and family of children, and still persists in thus absenting herself from her family, in violation of her marital duties and to the great wrong of her family, which would be a good cause for a divorce, under the statute of our Territory now in force; that the applicant, Alexander McCartney, is a man of good character, and resides in Dakota county, Nebraska, and has resided there for about three years last past.

Wherefore, your committee have instructed me to report said bill back to the House without amendment, and with the recommendation that the same do pass.

GEORGE B. LAKE, Chairman.

Mr. Lake of Douglas, chairman of the Committee, on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment with the recommendation that the same do pass.

By order of the Judiciary Committee. GEO. B. LAKE, Chairman.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 185, "A bill for an act to amend section No. 4 of an act entitled 'An act respecting juries,' approved Nov. 2d, 1858,"

Have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment and without recommendation.

By order of the Committee on Judiciary.

GEORGE B. LAKE, Chairman.

The following message was received from the Council:

COUNCIL CHAMBER,
January 12th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that

H. F. No. 174, "A bill for an act entitled 'An act to amend the charter of Decatur,'"

Has passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Thursday, January 12th, 1860.

Mr. Taffe of Dakota, chairman of the Committee on Libraries, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 94, "A bill for an act defining the duties of Territorial Librarian, and for other purposes,"

Having had the same under consideration, report the same back to the House and recommend its passage. JOHN TAFFE, Chairman.

Mr. Arnott of Sarpy, chairman of the Committee on Roads, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 98, "A bill for an act to locate a territorial road from St. Johns to the Ponca reservation,"

Have had the same under consideration, and report the bill back and recommend its passage. JAMES M. ARNOTT, Chairman.

Mr. Johnson of Douglas, chairman of the Committee on Agriculture, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

C. B. No. 67, "A bill for an act to prevent trespass on timber lands,"

Have had the same under consideration, and report the same back and recommend its passage. HARRISON JOHNSON, Chairman.

The House then took a recess until 2 o'clock P. M.

Afternoon Session—2 o'clock P. M.

The House met at 2 o'clock P. M., pursuant to adjournment, and being called to order by the Speaker, resumed business.

Mr. Noel of Nemaha, moved that the Speaker appoint an Assistant Enrolling Clerk.

Carried.

John Howard of Cass county, appointed.

The further consideration of

C. B. No. 57, "A bill for an act for the determination of the claims of the code commissioners of 1855, and their clerks,"

Resumed.

The question still being on the amendment proposed by Mr. Hanscom of Douglas,

Call of the House ordered.

Absent—Messrs. Barnard, Bates, Brodhead, Myers, Nuckolls of Richardson.

Mr. Burbank of Richardson, moved that all further proceedings under the call be dispensed with.

Lost.

On motion,

Leave of absence for to-day was granted Mr. Myers.

All further proceedings under the call dispensed with.

Mr. Noel of Nemaha, moved to amend the amendment by inserting "\$500" in lieu of "\$250."

Amendment to the amendment

Adopted.

Mr. Campbell of Otoe, moved to further amend the amendment in such a manner as to allow the Clerks not exceeding "\$300."

Amendment to the amendment

Adopted.

Amendment as amended

Adopted.

Bill read a third time.

Passed and title agreed to.

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youth in Nebraska Territory, between the ages of five and twenty-one years,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 97, "A bill for an act to organize West county, define the boundaries and locate the county seat thereof,"

Taken up.

Mr. Bowen of Washington, moved to amend by striking out "West" and inserting "Lesharre."

Withdrawn.

Mr. Tufts of L'eau-qui-Court, moved to amend by inserting "Greenwood" in lieu of "West."

Withdrawn.

Mr. Collier of Burt, moved to amend by striking out "West" and inserting "Black."

Whereupon the ayes and nays were demanded with the following result:

Ayes—Messrs. Bain, Burbank, Collier, Latta, Marquette, Maxwell, Noel, Rogers, Stephenson and Taffe.—10.

Nays—Messrs. Adams, Arnott, Baker, Barnard, Belden, Bowen, Brodhead, Campbell, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Malcolm, McCasland, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stewart and Tufts.—24.

So the amendment was

Lost.

The bill was then read a third time.

Passed and title agreed to.

Thursday, January 12th, 1860.

C. B. No, 94, "A bill for an act defining the duties of Territorial Librarian, and for other purposes,"

Taken up.

Mr. Maxwell of Cass, moved to insert "two hundred dollars" in lieu of "four hundred dollars."

Mr. Campbell of Otoe, moved to amend the amendment by inserting "five hundred dollars."

Mr. Goshen of Johnson, moved to lay the amendment and the amendment to the amendment on the table.

Carried.

The following message was received from the Council:

COUNCIL CHAMBER,
January 12th, 1860. }

Mr. Speaker:

I am instructed to return to your honorable body

H. F. No. 188, "A bill for an act to re-organize the county of Dodge,"

The same having passed the Council with the amendments thereto attached, in which the concurrence of your honorable body is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Hanscom of Douglas, moved to amend by striking out "\$400" and inserting in lieu thereof "\$200."

Mr. Kennedy of Douglas, moved to lay the amendment on the table.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Barnard, Belden, Burbank, Brodhead, Campbell, Collier, Crowe, Goshen, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, McCasland, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Rogers, Shields, Stewart, Taffe and Tufts.—27.

Nays—Messrs. Bain, Baker, Bowen, Davis, Hanscom, Marquette, Reck and Stephenson.—8.

So the amendment was laid on the table.

Bill read a third time.

Passed and title agreed to.

C. B. No 47, "A bill for an act fixing the salaries of district attorneys and other officers."

Taken up.

Mr. Campbell of Otoe, moved to strike out "\$2000," and insert "\$1500," whereupon the ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Belden, Brodhead, Campbell, Collier, Davis, Johnson, Latta, Marquette, McCasland, Maxwell, Reynolds, Rogers, Taffe and Tufts.—15.

Nays—Messrs. Adams, Arnott, Bain, Barnard, Bowen, Burbank, Crowe, Goshen, Hanscom, Keeling, Kennedy, Lake, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Shields, Stephenson and Stewart.—20.

Thursday, January 12th, 1860.

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So the amendment was

Lost.

Mr. Hanscom of Douglas, moved that the bill be postponed until to-morrow.

Carried.

C. B. No. 67, "A bill for an act to prevent trespass on timber lands,"

Taken up.

Read the third time.

Passed and title agreed to.

The following message was received from the Executive, by the hands of his private secretary:

EXECUTIVE CHAMBER,

Omaha, January 12th, 1860. }

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body that the following bills have received his signature and approval:

"An act to redefine the western boundaries of Washington county;"

And also,

"An act to vacate a part of the town plat of Wyoming in Otoe county."

JOHN MCCONNIE,

Private Secretary.

Mr. Collier of Burt, from special committee, reported

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution,"

Back to the House amended according to instructions.

Mr. Taffe of Dakota moved to recommit the bill to the same committee, with instructions to strike out section 6, and make the necessary changes in the number of the sections.

Mr. Johnson of Douglas, moved that the bill be indefinitely postponed.

Lost.

The question being on the motion to recommit, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Belden, Collier, Latta, Marquette, Maxwell, Nuckolls of Otoe, Stephenson, Stewart, Taffe and Tufts.—10.

Nays—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Burbank, Brodhead, Campbell, Crowe, Davis, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Malcolm, McCasland, Nuckolls of Richardson, Reck, Reynolds, Rogers and Shields.—24.

So the motion to recommit was

Lost.

Mr. Belden of Douglas, moved to strike out section 6.

Carried.

Mr. Nuckolls of Otoe, moved to amend by inserting in the ninth line after the word "wages," the words "or provisions."

Lost.

The bill was then read a third time.

The question then occurred on the passage of the bill.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Brodhead, Campbell, Collier, Goshen, Hanscom, Keeling, Kennedy, Latta, Malcolm, Marquette, McCasland, Maxwell, Noel, Reynolds, Rogers, Shields and Stephenson.—21.

Nays—Messrs. Barnard, Belden, Bowen, Burbank, Crowe, Davis, Johnson, Lake, Nuckolls of Otoe, Nuckolls of Richardson, Stewart and Taffe and Tufts.—13.

So the bill was passed.

The title was agreed to.

Mr. Kennedy of Douglas, chairman of the Committee on Militia, submitted the following report:

Mr. Speaker:

Your committee having had under consideration the petition of Messrs. Tootle and Jackson, merchants of the city of Omaha, in reference to provisions and groceries furnished for the troops on the frontier near Fontanelle, in Dodge county, for the protection of the lives and property of the settlers, A. D. 1856, together with the testimony taken to substantiate the same, do most respectfully report, That in their opinion the account presented in said petition for payment is just and true, and that in the opinion of said committee, the same is not or should not be a charge against the Territory of Nebraska, and that the government of the United States is liable therefor, it having been necessarily incurred in an armed military defense of the citizens and property of the settlers of the Territory.

Your committee, therefore, recommend the adoption of the accompanying joint resolution, memorializing the Congress of the United States for the necessary appropriation to pay said claim.

Geo. F. KENNEDY, Chairman.

Mr. Keeling of Nemaha, chairman of the Committee on Accounts and Expenditures, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 201, "Joint resolution for an appropriation to erect a tombstone at the grave of Hon. T. B. Cuming."

Having had the same under consideration, most respectfully ask to make the following report:

That whereas, the financial condition of our Territory at this time is not in a very flattering condition, we, therefore, recommend that the same be deferred for future legislation, admitting at the same time that the compliment is due to the friends, and to the memory of him who is now numbered with the illustrious dead; at the same time admitting to

our future Legislatures, that as soon as the financial affairs of our Territory or future state will permit that said appropriation, or, as we would prefer, a much larger amount, be made for that purpose.

W. W. KEELING, Chairman.

H. F. No. 190, "A bill for an act to confirm the election of J. W. Moore as coroner of Otoe county."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 194, "A bill for an act to authorize George E. McKinsey and B. F. Leonard to erect and keep a mill dam across the Great Papillion creek, in Douglas county."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 124, "A bill for an act to amend the criminal code."

Taken up.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Belden of Douglas, moved to strike out all which relates to bread and water.

Carried.

Mr. Johnson of Douglas, moved to strike out "\$150," and insert "\$50."

Mr. Campbell of Otoe, moved that the bill be indefinitely postponed.

Mr. Hanscom of Douglas, moved to strike out "\$150," and insert "\$100."

Mr. Campbell, of Otoe, moved to postpone the House and Council bills relative to the criminal code until to-morrow, and that in the mean time they be referred to the Committee on Judiciary.

Carried.

H. F. No. 109, "A bill for an act to authorize Alexander Hallam to erect and keep a mill dam across Rock creek."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 104, "A bill for an act to establish a toll bridge across the St. Vrain Fork river, near St. Vrain in St. Vrain county, Nebraska."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 25, "A bill for an act to incorporate the Platte city bridge company."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 137, "A bill for an act concerning the writ of *ad quod damnum*."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 29, "A bill for an act to incorporate the South Pass bridge company."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 159, "A bill for an act to authorize J. Osterling to erect and keep a mill dam in L'eau-qui-Court county."

Taken up.

Read the third time.

Passed and title agreed to.

The joint resolution and memorial, reported by the Committee on Militia, asking for an appropriation from Congress to remunerate Tootle and Jackson,

Taken up.

Read the first time.

The rules suspended.

Joint resolution read by its title a second time.

The rules again suspended.

Joint resolution read by its title a third time.

Passed and title agreed to.

H. F. No. 73, "A bill for an act entitled 'An act concerning costs in certain cases.'"

Taken up.

Mr. Lake of Douglas, moved to strike out the words "his security," in the second section.

Carried.

Bill read a third time.

Passed and title agreed to.

H. F. No. 119, "A bill for an act to incorporate the town of Marietta,"

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 138, "A bill for an act to amend 'An act establishing the mode of locating and changing county seats, approved Jan'y 26th, 1856,'"

Taken up.

Mr. Marquette of Cass, moved to strike out the proviso in section 2.

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Baker, Bowen, Campbell, Davis, Kennedy, Latta, Marquette, Maxwell, Nuckolls of Otoe, Nuckolls of Richardson and Stephenson.—11.

Nays—Messrs. Adams, Arnott, Bain, Barnard, Belden, Burbank, Brodhead, Collier, Crowe, Goshen, Hanscom, Johnson, Keeling, Lake, Malcolm, McCasland, Noel, Reck, Reynolds, Rogers, Shields, Stewart, Taffe and Tufts.—24.

So the motion to strike out was

Lost.

The following report was received from the Committee on Enrolled and Engrossed Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report that they have this day presented to the Governor for his approval:

"An act to authorize James C. Crawford and his associates to keep a ferry at West Point;"

"Joint resolution;"

"Joint resolution;"

"An act to change the time of electing a delegate to Congress, from Nebraska;"

"An act to prevent overdrawing public funds in counties, and to compel county commissioners to give bond;"

"An act to incorporate a seminary in the city of Florence, Douglas county, N. T.;"

Also,

"An act to authorize the election of supervisors of roads in and for the county of Sarpy, Neb. Ter."

JESSE NOEL,

MILTON W. REYNOLDS,

Committee.

Mr. Taffe of Dakota, moved to amend by striking out the proviso in section 2, and attaching it to section 1.

Amendment adopted.

The bill was read a third time.

The question being on its passage, the ayes and nays were demanded, when the vote stood as follows:

Ayes—Messrs. Adams, Arnott, Bain, Baker, Barnard, Bowen, Burbank, Collier, Crowe, Davis, Goshen, Keeling, Latta, Malcolm, Marquette, McCasland, Maxwell, Nuckolls of Richardson, Reck, Rogers, Shields, Stephenson, Stewart, Taffe and Tufts.—25.

Nays—Messrs. Belden, Campbell, Hanscom, Johnson, Kennedy, Lake, Noel, Nuckolls of Otoe and Reynolds.—9.

So the bill was passed.

The title was agreed to.

Mr. Campbell of Otoe, moved to suspend the rules and take up C. B. No. 8, "A bill for an act to amend an act entitled 'An act of money of account and interest,' approved March 4th, 1855."

Whereupon,

Mr. Hanscom of Douglas, moved to adjourn.

Carried.

House adjourned at 6½ o'clock P. M.

Friday, January 13th, 1860.

HOUSE OF REPRESENTATIVES,
Friday, January 13th, 1860. }

The House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

The roll called.

A quorum being present, the Journal of yesterday's session was read, amended and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed

C. B. No. 73, "A bill for an act to provide a clerk of the probate court;"

C. B. No. 54, "A bill for an act to incorporate the Fort Calhoun town and ferry company;"

C. B. No. 116, "A bill for an act to authorize certain property to be reconveyed to the corporate authorities of the town of Salem in Richardson county;"

In all of which the concurrence of your honorable body is respectfully requested.

And I herewith return to your honorable body,

H. F. No. 133, "A bill for an act to authorize J. J. Eldridge to erect a mill dam across Wood river in Hall county, Nebraska;"

H. F. No. 183, "A bill for an act to incorporate Falls city;"

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska, and for other purposes;"

H. F. No. 200, "A bill for an act to amend an act entitled 'An act to incorporate the city of Dakota;'"

H. F. No. 158, "A bill for an act for the relief of road district No. 7, in Sarpy county;"

H. F. No. 180, "A bill for an act to amend 'An act to incorporate Nemaha city, in the county of Nemaha,' approved January 22d, 1856;"

H. F. No. 177, "A bill for an act to authorize Silas Tidwell to keep and run a ferry across the Missouri river, at the mouth of the Little Nemaha river;"

H. F. No. 186, "A bill for an act to restrain stock from running at large in Sarpy county;"

H. F. No. 170, "A bill for an act to legalize the acts of the county commissioners of Pawnee county;"

H. F. No. 195, "Memorial for an appropriation for a geological survey;"

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company."

All of which have passed the Council without amendment.

I also am instructed to inform your honorable body that

H. F. No. 99, "A bill for an act to authorize Michael Jones and Daniel H. Collamer to keep and establish a ferry at St. Helena, in Cedar county,"

Has passed the Council with the following amendment: Add to end of section 3, "Provided the Legislature retains the power to amend, alter or repeal this bill."

And also that

H. F. No. 189, "A bill for an act to authorize Alexander Stephenson and others to keep a ferry across the North fork of Platte river,"

Has been amended in the Council by the addition to section 4 of "Provided the Legislature retains the power to alter, amend or repeal this charter."

Also, that

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine in the counties of Cass, Otoe and Nemaha,'"

Has been amended in the Council by the addition of the words "Pawnee and Richardson" to the title.

In all of which amendments the concurrence of your honorable body is respectfully solicited.

I also return to your honorable body,

H. F. No. 112, "A bill for an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts,"

The same having passed the Council without amendment.

I am also instructed to announce that

H. F. No. 51, "A bill for an act to provide for the vacation of a part or a whole of the town of Fremont."

Has been indefinitely postponed by the Council.

S. M. CURRAN, Chief Clerk.

Mr. Hanscom of Douglas, on leave, introduced

H. F. No. 203, "A bill for an act to attach Buffalo, Kearney and Shorter counties to Hall, for judicial purposes."

Read the first time.

Mr. Hanscom of Douglas, moved that the rules be suspended, the bill read a second and third time by its title and placed upon its passage.

Lost.

Mr. Lake of Douglas, on leave, introduced

H. F. No. 204, "A bill for an act to amend the code of civil procedure, approved Nov. 1st, 1858."

Read the first time.

Mr. Tufts of L'eau-qui-Court, introduced

H. F. No. 205, "A bill for an act to incorporate the J. D. M. Crockwell hydraulic manufacturing company of Dakota county."

Read the first time by its title.

Mr. Davis of Cass, introduced the following preamble and resolution:

Whereas, The Democracy of the south threaten to dissolve the Union in case the Republicans succeed in electing a Speaker of the House of Representatives in Congress assembled, therefore be it

Resolved, That if such election take place, in order that those interested in such dissolution may the more easily and speedily effect their object, they be earnestly requested to dissolve the same in alcohol.

Mr. Tnfts of L'eau-qui-Court, moved to refer the preamble and resolution to a special committee to consist of the Cass county delegation.

Mr. Hanscom of Douglas, moved to amend the motion by referring to a special committee of one, to consist of Mr. Davis of Cass.

The amendment accepted.

The motion as amended

Carried, and

The resolution, &c., so referred.

Mr. Lake of Douglas, chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your committee to whom was referred

H. F. No. 124, and C. B. No. 53, bills amendatory of the criminal code,

Have, according to order, had the same under consideration, and have directed me to report the same back to the House with the recommendation that the C. B. No. 53, be amended by adding a new section as follows:

"Sec. 13. That in no criminal prosecution, hereafter in this Territory, shall the husband or wife of the accused be permitted to testify."

And that thus amended, your committee would most respectfully recommend its passage.

GEORGE B. LAKE, Chairman.

Mr. Brodhead of Otoe, chairman of special committee, submitted the following report, amending the report before submitted and recommended, as follows:

"That portion of the great territory embraced within the present bounds already explored, which lies south of the 43d degree of latitude to the Kansas line, and extending one hundred and fifty miles from the Missouri river westward, consists of a body of cultivatable land of the first quality," &c., &c.

Report as amended:

Report of the Committee on Federal Relations, submitted to the House of Representatives, Jan. 9, 1860.

The Committee on Federal Relations, to which was referred a communication signed by R. W. Steele, a gentleman recently elected to preside over the Territory, embraced within the bounds assumed by the provisional government instituted under the name of Jefferson, respectfully report: That they have given to the subject matter of the communication, such consideration as the brief time allowed them would admit, and deeply regret, that a question so important should have been presented in this form to the House, at the close of the session.

The communication is in reply to certain questions propounded to Mr. Steele by a committee of this House. appointed under the following resolution:

Resolved, That a special committee of three be appointed, to confer with His Excellency Gov. Steele of Jefferson Territory, relative to the expediency of this legislature organizing new counties on the western frontier of Nebraska, and such topographical information as may be of interest to this body.

Few, if any, of the members of this House, supposed that the resolution was designed to elicit anything more than an expression of opinion, as to the necessity existing in the western portion of our Territory, for the organization of counties based upon the existence or non-existence of a population within the counties that it was proposed to organize; and although the terms of the resolution may justify the interrogatories, your committee can not believe, that the House contemplated, or expected the question of a conflict of *jurisdiction* to be thus raised.

Your committee has no copy of the communication addressed to Mr. Steele, nor of the interrogatories it propounded, but the reply, perhaps, sufficiently indicates their character. Frankly and without qualification, Mr. Steele sets out in his response with the declaration, that "*it is necessary that both Nebraska and Jefferson Territories should understand their relations and positions toward each other.*" Your committee, while differing with the *Provisional Governor* on other points, confess, that this correspondence seems to render it necessary and proper, that Nebraska should endeavor to comprehend its interests and the intimate relations which exists between its settlements, among the mountains, upon the plains and along its rivers.

To this subject your committee will address its remarks, and to no other, referring only to the proposed Territory of Jefferson, so far as may seem necessary to illustrate the views presented.

That portion of the great territory embraced within our present bounds already explored, which lies south of the parallel of 43° to the Kansas line, and extending one hundred and fifty miles from the Missouri river westward, consists of a body of cultivatable land of the first quality, second of a similar body of cultivatable land at the base of the eastern slope of the Rocky mountains including their valleys, perhaps averaging fifty or more miles in width, and seldom of more than second or third rate quality, but rich in mineral resources, and third, the extensive plain lying between, intersected by the fertile valleys of the Big Blue, the Platte, the Elkhorn and the L'eau-qui-Court rivers, affording upon the plains an almost boundless scope for the range of cattle, and in the valleys the means of sustaining a resident population.

The proposed Territory of Jefferson, while it claims eight degrees of longitude in width, would scarcely leave seven degrees to the eastern portion of Nebraska on the Kansas line, and not more than two degrees upon the 43d parallel; in other words, the northeastern corner of the proposed Territory, approaches within one hundred miles of the Missouri river, and this too, while it anticipates a dense population devoted to mining, leaving to the eastern portion of Nebraska a small district to be occupied by a sparse population, engaged in husbandry and pastoral occupations.

Combined, the three regions briefly described, would constitute a

state entitled to consideration in the councils of the nation; a state of great and diversified interests, blending in harmony, and united by the mutual dependence of the various regions upon each other.

A more important interest and common tie between the eastern and western portions of our Territory, is the great highway of the Platte valley. Our confidence in the great superiority of this route above all other over-land routes to the gold region of the mountains, to Utah, Oregon and California, and especially as a route for the great Pacific rail road, now rendered an immediate necessity. Our indolence, or perhaps our modesty, has induced us heretofore as a people to remain almost silent in reference to the claims of this avenue for the future commerce of the continent and the world. It is time that this indolence, modesty or reliance upon indisputable claims should be cast aside, and the facts be sounded abroad. It should be known in the east as well as in west, that between the *Medicine Bow* and the *Wind River mountains*, must centre all the branches of rail roads or wagon roads for Utah, Carson valley, California, Oregon or Washington Territory, and that from Platte valley must in like manner diverge eastward all branches for Nebraska city, St. Joseph, Leavenworth, Kansas city, Bellevue, Omaha or Sioux city, or in other words, the connections with the lines of rail roads across Minnesota, Iowa and Missouri to the north, and inclusive of the Pacific rail road from St. Louis to Kansas city.

It is a matter of little consequence to us, which of these become the main trunk in the first instance; or is the first completed; all the branches named and more, will speedily follow, and have their just traffic that will flow eastward and westward through the great depression of the Rocky mountains above mentioned.

In the construction of the Pacific rail road the gold region of Nebraska and the agricultural region are alike deeply interested. It will be the crowning glory of the state, and for the sake of this common tie and common interest both extremities should be united.

The Territory proposed under the name of Jefferson would be divided upon this vital question at the beginning, while that portion embraced within the present limits of Nebraska, would to a man unite in demanding the construction of a road upon the Platte valley, and through the South Pass, or between the two mountain ranges before referred to, the southern portion would clamor for the Arkansas route passing through the Coshetossa pass. The one portion also would receive supplies and make its shipments upon the Missouri within our borders, while the other portion would find its traffic tending in other directions as at Santa Fe, and the ports of the Mississippi river.

The southern gold fields of the proposed Territory have been extensively explored, and are indeed rich in gold and probably other minerals. The region of the North Platte has been prospected too, sufficiently to show that it also has its treasures of gold, and of the scarcely less valuable deposits of iron and coal, while the unexplored district between the Black hills and Wind River range, of the head waters of the various branches of the Yellowstone, may prove not less productive. With such resources the state of Nebraska, extending from the Missouri to the mountains, bound together by the central route of the Platte valley,

peopled throughout its length, with its mineral products, and the kindred manufactures to be thereby developed, its ample pastoral range, and its agricultural and commercial border on the Missouri, would be a sovereignty worthy to enter the sisterhood of states, with the wealth and power to command respect, and a potency of influence to attain her ends. Dissevered, we of the eastern border would be shorn of a large proportion of our strength, while those of the proposed Territory now within our borders, would find their efforts and influence crippled or destroyed by the conflicting interests and demands of the southern portion of that Territory.

It may seem at first sight that the two extremes, the one being an agricultural and commercial, and the other a manufacturing and mining region, would find their interests at variance and incompatible. Your committee do not so view it; on the contrary, so far as it has observed it is not diversity of occupation that produces conflict, but it is the diversity of interest, owing to different sections being engaged in similar pursuits and jealous of real or supposed advantages.

Your committee are assured by those who are well informed as to the views and feelings of the citizens of that portion of the gold region within our Territory, that there is no wish in that region to be separated from us, or to be included within the bounds of the proposed Territory. Neither the provisional government nor the state organization met with favor north of the Kansas line. They have evinced their wishes distinctly and unequivocally, by sending a delegate and asking to be admitted, so far as the organic law would allow, as a member of this House.

This gentleman asks on behalf of the citizens of that portion of the Territory, that counties should be defined and provision made for their organization, throughout the settled portion of the gold region, and that the laws of Nebraska should be extended over them so far as applicable to their wants and necessities; and your committee being satisfied that it is alike compatible with the wishes and interests of all parties, respectfully recommend the erection of the counties desired by their delegate, and the extension of such laws and regulations as will protect the citizens and promote their welfare.

All of which is respectfully submitted.

W. H. BRODHEAD, Chn. of Com.

Mr. Marquette of Cass, from ———, submitted the following report:

Mr. Speaker:

Your committee to whom was submitted

H. F. No. 31, "A bill for an act to exempt certain property from forced sale on execution to pay debts,"

Having had the same under consideration, beg leave to report the accompanying substitute and recommend its passage.

All of which is most respectfully submitted.

T. M. MARQUETTE,
GEORGE B. LAKE,
D. D. BELDEN,
W. H. BRODHEAD,
JAMES TUFTS.

Friday, January 13th, 1860.

H. F. No. 99, "A bill for an act to authorize Michael Jones and Daniel H. Collamer, to keep a ferry across the Missouri river at St. Helena, in Cedar county."

Together with the amendments proposed thereto by the Council.

Taken up.

On motion of Mr. Tufts of L'eau-qui-Court,
The Council amendments were concurred in.

H. F. No. 90, "A bill for an act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha,"

Together with the amendments proposed thereto by the Council.

Taken up.

Amendments concurred in.

H. F. No. 189, "A bill for an act to authorize Alexander Stephenson to keep a ferry across the north fork of the Platte river."

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

H. F. No. 103, "A bill for an act to authorize certain parties to keep a ferry across the North fork of the Platte river,"

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

H. F. No. 188, "A bill for an act to re-organize the county of Dodge,"

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty, in Cass county,"

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river, at St. Johns city in Dakota county."

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments not concurred in.

Mr. Dundy, a committee from the Council, appeared within the bar and informed the House that the Council had resolved to adjourn *sine die*, at 12 o'clock P. M.

Mr. Noel of Nemaha, moved that the Speaker appoint two more assistant enrolling clerks.

Carried, and

Messrs. Theodore H. Dodd and S. C. Johnson appointed.

H. F. No. 132, "A bill for an act to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city in Otoe county."

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

H. F. No. 53, "A bill for an act to extend the jurisdiction of the district and probate courts,"

Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

C. B. No. 63, "A bill for an act to establish a territorial road from Ionia to Fontanelle."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 96, "A bill for an act to define the boundaries of Nuckolls county."

Taken up.

Read the first time.

Mr. Goshen of Johnson, moved that the rules be suspended, the bill by its title read a second and third time and placed upon its passage.

Carried.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 117, "A bill for an act to locate a territorial road in Cass county."

Taken up.

Read the second time.

The rules suspended.

The bill by its title read a third time.

Passed and title agreed to.

The following message was received from the Executive by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, Jan'y 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"An act to authorize the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory;"

H. F. No. 198, "Joint resolution;"

H. F. No. 199, "Joint resolution."

JOHN MCCONNIE,
Private Secretary.

The following message was announced and received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed

Friday, January 13th, 1860.

C. B. No. 120, "A bill for an act to locate a territorial road from Fort Calhoun, in Washington county, to Fontanelle, in the same county,"

And respectfully asks the concurrence of your honorable body therein.
S. M. CURRAN, Chief Clerk.

C. B. No. 55, "A bill for an act to incorporate the city of Fort Calhoun, in Washington county, N. T."

Taken up.

Read the third time.

Passed and title agreed to.

Mr. Brodhead of Otoe, moved that the Speaker appoint one more assistant clerk for the House.

Carried.

Lyman Belden of Nemaha county, appointed.

H. F. No. 175, "A bill for an act to locate a territorial road, commencing at the junction of the Pappillon creeks, thence to Omaha city,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 111, "A bill for an act relative to the territorial revenue,"

Taken up.

Read the first time.

Mr. Bowen of Washington, moved that the bill be rejected.

Carried.

C. B. No. 113, "A bill for an act to provide a clerk of the probate court,"

Taken up.

Read the first time.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Carried.

The following message received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed the following bills and respectfully request your concurrence therein:

C. B. No. 118, "A bill for an act to incorporate the Western Star Lodge No. 2, Free and Accepted Masons;"

C. B. No. 119, "A bill for an act to provide for the settlement of the accounts of the county superintendents of common schools;"

C. B. No. 121, "Joint resolution."

S. M. CURRAN, Chief Clerk.

C. B. No. 91, "A bill for an act to define the powers and duties of county clerks,"

Taken up.

Read the first time.

Mr. Goshen of Johnson, moved that the rules be suspended, the bill by its title read a second and third time and placed upon its passage.

Lost.

H. F. No. 166, "A bill for an act to dissolve the bonds of matrimony between Alexander McCartney and Bridget McCartney,"

Taken up.

Read the third time.

The question being on its passage the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnard, Burbank, Brodhead, Crowe, Davis, Goshen, Hanscom, Keeling, Kennedy, Lake, Latta, Marquette, McCasland, Maxwell, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Rogers, Shields, Stephenson, Stewart, Taffe and Tufts.—23.

Nays—Messrs. Arnott, Bain, Bates, Campbell, Malcolm, Myers and Reck.—7.

So the bill was passed.

The title was agreed to.

H. F. No. 128, "Memorial for a land grant,"

Taken up.

The amendments proposed thereto by the committee

Adopted.

Bill read a third time.

Passed and title agreed to.

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Sweezy, Randall A. Brown and Henry H. Vischer to certain real estate in the city of Omaha, Nebraska Territory,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 120, "A bill for an act to locate a territorial road from Fort Calhoun in Washington county, to Fontenelle in Dodge county,"

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

Rules again suspended.

The bill read the third time by its title.

Passed and title agreed to.

C. B. No. 112, "A bill for an act to establish a ferry across the Platte river, at Kearney city, Nebraska Territory."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Friday, January 13th, 1860.

H. F. No. 96, "A bill for an act to organize certain counties, define their boundaries and locate the county seat thereof."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 118, "A bill for an act to incorporate the Western Star Lodge of Free and Accepted Masons."

Taken up.

Read the first time.

The rules suspended.

The bill read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river, at Ionia, in Dixon county."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 117, "Joint resolution for the relief of R. S. Parks."

Taken up.

Read the first time.

Mr. Tufts of L'eau-qui-Court, moved to suspend the rules, read the bill a second and third time by its title and place it upon its passage.

Lost.

C. B. No. 116, "A bill for an act to provide for the settlement of the accounts of county superintendents of common schools."

Taken up.

Read the first time.

Mr. Lake of Douglas, moved that the rules be suspended, the bill by its title read a second and third time and placed upon its passage.

Carried.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. — "Joint resolution for the relief of Wilbur F. Stone."

Taken up.

Read the first time.

Mr. Bowen of Washington, moved that the bill be rejected.

Whereupon the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Bain, Baker, Bowen, Burbank, Campbell, Crowe, Hanscom, Lake, Malcolm, Marquette, Maxwell, Myers, Rogers, Shields, Stephenson and Taffe.—17.

Nays—Messrs. Barnard, Brodhead, Davis, Keeling, Noel, Nuckolls of Otoe, Reck, Reynolds, Stewart and Tufts.—10.

So the bill was rejected.

H. F. No. 196, "A bill for an act to provide for a territorial board of equalization, consisting of the assessor of each organized county of Nebraska Territory."

Taken up.

Read the third time.

Passed and title agreed to.

H. F. No. 139, "A bill for an act to provide for the election of assessor, &c."

Taken up.

Read the third time.

Mr. Reck of Platte, moved that the further consideration of the bill be indefinitely postponed.

Carried, and

Bill indefinitely postponed.

H. F. No. 115, "A bill for an act to provide for the appointment of clerks in each county wherein courts are held."

Taken up.

Mr. Lake of Douglas, moved that the further consideration of the bill be indefinitely postponed.

Carried, and

The bill indefinitely postponed.

House then took a recess from 12½ to 2 P. M.

Afternoon Session—2 o'clock P. M.

The House having met, and being called to order by the Speaker, resumed business.

Mr. Collier of Burt, introduced

H. F. No. 207, "A bill for an act to amend the code of civil procedure, approved Nov. 1st, 1858."

Read the first time.

Mr. Collier of Burt moved that the rules be suspended, the bill by its title read a second and third time and placed upon its passage.

Carried.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

H. F. No. 142, "A bill for an act to incorporate the Loup fork bridge company,"

Taken up.

The following message received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed

C. B. No. 120, "Joint memorial to the Congress of the United States for an appropriation to pay King and Wood for damages sustained in the late Pawnee war;"

C. B. No. 122, "A bill for an act to incorporate the Beaver road and bridge company;"

And respectfully request the concurrence of your honorable body therein.

I also return to your honorable body

H. F. No. 109, "A bill for an act to authorize Alexander Hallam to erect and keep a mill dam across Rock creek;"

H. F. No. 104, "A bill for an act to establish a ferry or toll bridge across the St. Vrain Fork river, near St. Vrain in St. Vrain county, Nebraska;"

H. F. No. 159, "A bill for an act to authorize J. Osterling to erect and keep a mill dam in L'eau-qui-Court;"

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youth in Nebraska Territory, between the ages of five and twenty-one years;"

H. F. No. 190, "A bill for an act to confirm the election of J. W. Moore as coroner of the county of Otoe;"

H. F. No. —, "A bill for an act to authorize George E. McKenzie and B. F. Leonard to erect and keep a mill dam across the Great Papillon creek in Douglas county, N. T.;"

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and James D. H. O'Neal;"

H. F. No. 63, "A bill for an act to regulate line fences and define what constitutes a lawful fence;"

All of which passed the Council without amendment.

I am further instructed to inform your honorable body, that

H. F. No. 110, "A bill to incorporate the town of Marietta;"

Has passed the Council after being amended by striking out the 12th section.

And the concurrence of your honorable body therein is requested.

S. M. CURRAN, Chief Clerk.

H. F. No. 119, "A bill for an act to incorporate the town of Marietta," Together with the amendments proposed thereto by the Council.

Taken up.

The amendments concurred in.

C. B. No. 122, "A bill for an act to incorporate the Beaver creek road and bridge company."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council has passed

C. B. No. 113, "A bill for an act to dissolve the bonds of matrimony between Mary P. Melton and George W. Melton,"

And the concurrence of your honorable body therein is requested.

I herewith return to you

H. F. No. 182, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark,"

Which has passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The following report was submitted by the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report that they have this day presented to the Governor for his approval,

"An act to amend the charter of Decatur;"

"An act to extend the jurisdiction of the district and probate courts;"

"An act to authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river;"

"An act to provide for the election and define the duties of coroner;"

Also,

"An act to locate and establish a territorial road from Omaha city to Lemuel Ireland's, Salings Grove, Sarpy county, N. T."

NOEL and REYNOLDS, Committee.

C. B. No. 120, "Joint resolution praying Congress for an appropriation to pay Wood and King for damages sustained in the Pawnee war."

Taken up.

Read the first time.

Mr. Kennedy of Douglas, moved to suspend the rules, read the bill by its title a second and third time.

Carried.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 113, "A bill for an act to dissolve the bonds of matrimony between Mary P. Melton and George W. Melton."

Taken up.

Read the first time.

Friday, January 13th, 1860.

Mr. Belden of Douglas, moved to suspend the rules, read the bill a second and third time by its title and place it upon its passage.

Lost.

Mr. Campbell of Otoe, moved to take up

C. B. No. 3, "A bill for an act to amend an act entitled 'An act relative to money of account and interest,' approved March 14th, 1855."

Call of the House ordered.

Absent—Messrs. Collier and Noel.

Mr. Brodhead of Otoe, moved that all further proceedings under the call be dispensed with.

Five members demanding the attendance of the absentees, the motion was not entertained.

Mr. Bowen of Washington, moved that the rules be suspended.

Pending which,

Messrs. Collier and Noel appeared within the bar.

When all further proceedings under the call were dispensed with.

The question still being on the motion to take up,

C. B. No. 3, "A bill for an act to amend an act entitled 'An act relative to money, of account and interest,' approved March 14th, 1855."

The ayes and nays were demanded.

A call of the House ordered.

Absent—Mr. Kennedy.

Mr. Kennedy having appeared within the bar all further proceedings under the call were dispensed with.

The question still being on the motion to take up,

C. B. No. 3, "A bill for an act to amend an act entitled 'An act relative to money, of account and interest.'"

The ayes and nays were demanded with the following result:

Ayes—Messrs. Adams, Arnett, Bain, Baker, Bowen, Brodhead, Collier, Campbell, Crowe, Davis, Goshen, Johnson, Keeling, Kennedy, Latta, Marquette, McCasland, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields and Stephenson.—24.

Nays—Messrs. Barnard, Bates, Belden, Hanscom, Lake, Malcolm, Reck, Rogers, Stewart, Taffe and Tufts.—11.

So the bill was taken up.

Bill read a second time.

Mr. Hanscom of Douglas, moved that the bill be referred to a special committee of three.

Mr. Collier of Burt, moved that Mr. Campbell of Otoe, be made the chairman of such special committee.

The question occurring on the motion to refer to a special committee, it was

Lost.

C. B. No. 14, "A bill for an act to regulate elections."

Taken up.

The following amendments proposed by the committee were adopted.

In section 1st, 3d line, after the word "election," insert the words "for delegate to Congress;" in the 6th line, before the word "member," insert the words "delegate to Congress and."

In section 2, 1st line, strike out the words "delegate to Congress;" in the 17th and 18th lines, strike out the words "and one supervisor for every road district in each organized county."

Strike out sections four and five.

In section 8, 1st and 2d lines, strike out the words "at nine," and insert "between the hours of eight and ten."

In section 9, 3d line, after the word "immediately" insert the words "if there be no challenge."

In section 10, 2d line, make "obtained" read "attained;" in the 10th line strike out the word "previous" and insert the words "next preceding;" in the 11th line, strike out the word "all" and insert "any," and change the word "elections" to "election."

In section 11, 11th line, before the words "United States" insert the word "the;" in the 13th line, strike out the word "county" and insert the word "territory;" in the 8th line, after the word "oath" insert the words "in accordance with the naturalization laws and before a court of competent jurisdiction;" in the 16th line, at the end of the section, add the words "but the legality of such vote may be examined before a contest board, or the district court upon appeal."

In section 12, 2d line, before the word "guilty" insert the word "deemed."

Between sections 12 and 13 insert a new section as follows:

"Each clerk shall keep a list of the names of all persons offering to vote at the election, numbered in order as they present their votes, and shall write in the margin opposite to their respective names, when challenged, the words "sworn," "vote rejected," or other words, showing the proceedings had in each case. And the said list shall be attested by the signatures of said clerks. The poll books shall, in addition to said list, contain, or have attached thereto, the written oaths of the officers conducting the election and the tally list of the account of votes cast for the respective persons and offices voted for, together with a full and fair return of the votes cast for each, as provided in the next section."

In section 13, 12th and 13th lines, strike out the words "A. B. had — votes for sheriff (or other office as the case may be)," and insert "A. B. had — votes, C. D. had — votes."

In section 14, 1st line, strike out the word "canvass" and insert "election;" in the 3d line, before the word "delivered" insert the words "securely enclosed in a package, sealed up and."

In section 16, 4th line, before the word "count" insert the words "with the return judges."

In section 20, 7th line, after "fifteenth" insert "and seventeenth,"

In section 28, 7th line, strike out the word "fifty" and insert "twenty-five."

Section 29, 7th line, strike out the word "be" and insert the words "vote, he shall be deemed."

Friday, January 13th, 1860.

Between sections 31 and 32 insert the following as a new section:

"If any person or persons shall make and return, or cause to be made and returned, any paper purporting to be the poll book of any election precinct, or the abstract of the votes of any county, or any other election papers designed and intended fraudulently to impose the same as true and lawful upon the return judges, county clerks, Territorial Auditor or contest boards, or have the same received by the connivance of any such judges or other officers; or, if any such judges or other officers shall knowingly and fraudulently receive and admit the same, such person or persons, judges, county clerk, Territorial Auditor or member of a contest board shall be deemed guilty of a misdemeanor, and shall be punished, on conviction thereof, by a fine of not less than one hundred nor more than one thousand dollars, and imprisonment in the penitentiary not less than three months nor more than five years and be forever disqualified from voting or holding office within this Territory."

Between sections 31 and 32 insert the following second new section:

"The Treasurer, Auditor and Librarian of the Territory shall qualify within forty days after the returns are made and canvassed."

Between sections 31 and 32 insert the following third new section:

"The Territorial Treasurer shall give bond in the sum of twenty-five thousand dollars, the Auditor in the sum of five thousand dollars, the Librarian in the sum of ten thousand dollars, the judge of probate and the register of deeds of each county shall give bond in the sum of five thousand dollars, county treasurers each in the sum of ten thousand dollars, sheriffs each in the sum of ten thousand dollars, and county surveyors each in the sum of two thousand dollars."

Between sections 31 and 32 add the following fourth new section:

"Bonds of territorial officers shall be given to the Territory and be approved by the Governor, and shall be filed with the Secretary of the Territory; bonds of county officers shall be given to the county, be approved by the county commissioners and filed with the county clerk."

Between sections 31 and 32 insert the following fifth new section:

"The county commissioners may require all county officers to give bond in such amounts, not less than those hereinbefore specified, as they may deem proper, and such additional sureties as, in their opinion, may be necessary."

Between sections 31 and 32 add the following sixth new section:

"Such bond shall be conditioned for the faithful and impartial performance of the duties of the office according to law."

Between sections 31 and 32 insert the following seventh new section:

"All territorial, district and county officers shall take the following oath, viz: 'I do solemnly swear that I will support the constitution of the United States, and faithfully and impartially perform the duties of my office according to law and the best of my ability.'"

Strike out section 32, and insert the following:

"Sec. 32. An act entitled 'Elections,' approved January 26th, 1856, is hereby repealed."

Mr. Hanscom of Douglas, moved to amend section 7 by striking out "such" and inserting in lieu thereof the word "citizen."

Amendment adopted.

Friday, January 13th, 1860.

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Mr. Collier of Burt, moved to insert "adjudged" before "guilty," in the 12th section.

Lost.

Following amendment adopted:

After "have not" insert "voted," in section 23.

Mr. Lake of Douglas, moved to strike out "legal" before "vote," in section 18.

Lost.

The following message received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to return to your honorable body

H. F. No. 123, "A bill for an act for the relief of Lacy & McCormick and George Clayes."

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Latta of Cass, moved to reconsider the vote by which the House refused to adopt the amendment proposed by the committee to sec. 18.

Pending which,

The following message was received from the Executive, by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body, that the following bills have received his approval and signature:

"An act to define the duties of the Territorial Librarian, and for other purposes;"

"An act to incorporate the Omaha building and loan association;"

"An act to incorporate a seminary to be located in the city of Florence, Douglas county, N. T.;"

And also,

"An act to extend the jurisdiction and probate courts."

JOHN MCCONNIE,
Private Secretary.

The question being on the motion to reconsider, it was

Lost.

Mr. Taffe of Dakota, moved to amend section 23 by adding as follows:

"And in case the board decide it a tie vote, each party to the contest shall pay his own costs."

Amendment adopted.

The following message received from the Executive by the hands of his private secretary:

Friday, January 13th, 1860.

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act to provide for the election and define the duties of coroner;"

"An act to establish a territorial road from Omaha city to Lemuel Ireland's, Saling's Grove, Sarpy county;"

And, also

"An act to amend the charter of Decatur."

JOHN McCONIHE,
Private Secretary.

The bill as amended

Read a third time.

Passed and title agreed to.

Mr. Campbell of Otoe, introduced

H. F. No. 208, "A bill for an act to authorize certain property to be reconveyed to the corporate authorities of the town of Salem in Richardson county."

Read the first time.

Motion made to suspend the rules and read the bill a second and third time by its title and place it upon its passage.

A division of the question being called for, the question occurred on the motion to suspend the rules; it was

Lost.

Mr. Taffe of Dakota, moved to take up the following resolution offered by himself some days before, and laid over under the rule.

Resolved, That Leander Gerrard of Monroe county, is entitled to a seat in this House as duly elected to the same to represent the counties of Monroe and Hall.

Call of the House ordered.

Messrs. Belden and Noel absent.

Mr. Brodhead of Otoe, moved that the Sergeant-at-Arms be dispatched after the absentees.

Mr. Collier of Burt, moved that all further proceedings under the call be dispensed with.

Lost.

Messrs. Belden and Noel having appeared within the bar, all further proceedings under the call were dispensed with.

The question still being on the motion to take up the resolution the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bowen, Burbank, Campbell, Collier, Crowe, Davis, Lake, Latta, Marquette, McCasland, Maxwell, Myers, Reck, Rogers, Stephenson, Taffe and Mr. Speaker.—19.

Nays—Messrs. Adams, Arnott, Bates, Belden, Brodhead, Goshen,

Hanscom, Johnson, Keeling, Kennedy, Malcolm, Noel, Nuckolls of Otoe, Nuckolls of Richardson, Reynolds, Shields, Stewart and Tufts.—18.

So the resolution was taken up.

The resolution and the papers connected with the case, which were reported by the Committee on Privileges and Elections, read for information of the House.

Mr. Hanscom of Douglas moved to take a recess until 7 o'clock P. M.
Carried.

Evening Session—7 o'clock P. M.

The House having met and been called to order by the Speaker, the further consideration of the resolution relative to the contested case from Monroe and Hall counties was resumed.

Mr. Keeling of Nemaha, asked leave of absence for Mr. Adams on account of illness.

Leave granted.

The following report was submitted by the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills, ask leave to report that they have this day presented to the Governor for his approval,

"An act to provide for the distribution of the laws and journals of Nebraska Territory;"

"An act to amend an act entitled 'An act to incorporate Nemaha city in Nemaha county,' approved January 23d, 1856;"

"An act to authorize Alexander Hallam to erect and keep a mill dam across Rock creek in the county of Nemaha;"

"An act to dissolve the bonds of matrimony between Anna E. O'Neal and James D. H. O'Neal;"

"An act for the relief of Lacy & McCormick and George Claves;"

"An act to reorganize the county of Dodge;"

"An act to confirm the election of J. W. Moore as coroner of Otoe county;"

"An act to incorporate the Dixon town and ferry company;"

"An act to establish a ferry across the South Platte river at St. Vrain in St. Vrain county, Nebraska Territory;"

"An act entitled an act to amend an act entitled 'An act for the regulation of schools in Nebraska,' approved Nov. 4, 1858."

NOEL and REYNOLDS, Committee.

Mr. Bates of Dakota, moved that the resolution be indefinitely postponed, and called the previous question.

Pending which,

The following message was received from the Executive by the hands of his private secretary:

Friday, January 13th, 1860.

EXECUTIVE CHAMBER,

Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body, that he has signed

"An act to authorize Alexander Hallam to erect and keep a mill dam across Rock creek in the county of Nemaha;"

"An act for the relief of Lacy & McCormick and George Claves;"

"An act to amend 'An act to incorporate Nemaha city in Nemaha county,' approved January 22d, 1856;"

"An act to regulate the distribution of the laws and journals of Nebraska Territory, and for other purposes;"

"An act to confirm the election of J. W. Moore as coroner of Otoe county;"

"An act entitled an act to amend an act entitled 'An act for the regulation of schools in Nebraska,' approved Nov. 4th, 1858;"

And

"An act to establish a ferry or toll bridge across the South Platte river at St. Vrain in St. Vrain county, Nebraska Territory."

JOHN MCCONNIE,

Private Secretary.

The following message was received from the Council:

COUNCIL CHAMBER,

January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed the following bills:

C. B. No. 128, "A bill for an act to amend 'An act to incorporate the Omaha savings institution;"

C. B. No. 116, "A bill for an act to authorize certain property to be reconveyed to the corporate authorities of the town of Salem."

I am also instructed to inform your honorable body, that the Council have concurred in the House amendments to

C. B. No. 77, "Joint resolution for the determination of the claims of the code commissioners of 1855, and their clerks."

I also return to your honorable body,

H. F. No. 126, "A bill for an act to authorize Wm. Geo. Hollins and associates to keep and run a ferry across the Loup fork of the Platte river at the mouth of Looking Glass creek,"

Which has been indefinitely postponed by the Council.

Also,

H. F. No. 128, "Memorial for a land grant;"

And

H. F. No. 207, "Joint resolution authorizing the Secretary to correct errors."

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Friday, January 13th, 1860.

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The call for the previous question not entertained.
The following message received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council has passed

C. B. No. 126, "A bill for an act entitled 'An act to authorize the district courts to appoint masters in chancery in place of those who have removed from their counties.'"

And your concurrence therein is respectfully solicited.

I am further instructed to inform your honorable body that the Council insist in their amendments to

H. F. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city."

S. M. CURRAN, Chief Clerk.

The following message was received from the Executive by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that the following bills have been approved by him and received his signature:

"An act to reorganize the county of Dodge;"

"An act to authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river;"

"An act to authorize James C. Crawford and his associates to establish a ferry at West Point;"

"An act to dissolve the bonds of matrimony between Anna E. O'Neil and James D. H. O'Neil;"

And

"An act to prevent overdrawings of public funds in counties, and to compel county commissioners to give bond."

JOHN MCCONNIE,
Private Secretary.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed

C. B. No. 125, "Joint resolution,"

And your concurrence therein is respectfully solicited.

I also return to your honorable body

H. F. No. 175, "A bill for an act to establish a territorial road, commencing at the junction of the Pappillion creeks, thence to Omaha city;"

"A joint resolution for the relief of Tootle & Jackson;"

Friday, January 13th, 1860.

And, also

H. F. No. 137, "A bill for an act concerning the writ of *ad quod dam num*."

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Reynolds of Otoe, called the previous question.

Mr. Taffe of Dakota, wishing to speak on the resolution, the question was submitted to the House whether he should have leave; no objection was made and such leave accordingly granted.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to announce that the Council have passed the following bills and respectfully solicit the concurrence of your honorable body therein.

C. B. No. 127, "A bill for an act to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections or parts thereof have been sold;"

And,

C. B. No. 100, "A bill for an act to repeal certain sections of the criminal code."

S. M. CURRAN, Chief Clerk.

The Committee on Engrossed and Enrolled Bills submitted the following report:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report that they have this day presented to the Governor for his approval

"An act to authorize Alexander Stevenson and others to establish a ferry across the North fork of the Platte river."

NOEL and REYNOLDS, Committee.

Call of the House ordered.

Absent—Messrs. Belden and Noel.

The following message was received from the Executive by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, Jan'y 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to incorporate the Beaver Creek road and bridge company;"

"An act to confirm the title of Wm. A. Collins, John Sweezy, Randall A. Brown and Henry H. Vischer, to certain real estate in the city of Omaha, Nebraska Territory;"

And

"An act to amend an act entitled 'An act to incorporate the city of Fort Calhoun, Nebraska Territory.'"

JOHN McCONIH,
Private Secretary.

Mr. Collier of Burt, on leave introduced

H. F. No. 209, "Joint resolution for an appropriation for the assistant clerks employed the last two days of the session."

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

The question still being on the motion to indefinitely postpone the resolution relative to the contested case from Monroe and Hall,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Arnett, Bates, Belden, Brodhead, Campbell, Crowe, Goshen, Hanscom, Johnson, Keeling, Kennedy, Lake, Malcolm, McCasland, Myers, Noel, Nuckolls of Richardson, Reck, Reynolds, Shields, Stewart and Tufts.—22.

Nays—Messrs. Bain, Baker, Bowen, Burbank, Collier, Davis, Latta, Marquette, Maxwell, Nuckolls of Otoe, Rogers, Stephenson and Taffe.—13.

So the resolution was indefinitely postponed.

Mr. Kennedy of Douglas, moved to take up

H. F. No. 197, "Joint resolution relative to the election of Governor."

Withdrawn.

Mr. Goshen of Johnson, called up the following resolution offered by himself on yesterday and laid over under the rule:

Resolved, That the thanks of this House are due our Speaker, Hon. Silas A. Strickland, for the impartial manner in which he has discharged the responsible and difficult duties of Speaker of the House; our thanks are also due all the other officers for the faithful discharge of their respective duties, during the present session of the Legislature.

Adopted.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that

H. F. No. 45, "A bill for an act to amend the code of civil procedure, and to provide for the stay of execution in district courts,"

Has passed the Council without amendment.

S. M. CURRAN,
Chief Clerk.

Friday, January 13th, 1860.

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace,"

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 100, "A bill for an act to repeal certain sections of the criminal code,"

Taken up.

Read the first time.

Mr. Hanscom of Douglas, moved that the bill be indefinitely postponed.

Carried, and

Bill indefinitely postponed.

H. F. No. 124, "A bill for an act entitled 'An act supplemental to, and amendatory of an act to adopt and establish a criminal code for the Territory of Nebraska,' approved Oct. 2, 1858,"

Taken up.

Mr. Maxwell of Cass, moved that the bill be indefinitely postponed.

Carried, and

Bill indefinitely postponed.

C. B. No. 123, "A bill for an act to amend 'An act to incorporate the Omaha savings institution,'"

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 125, "Joint resolution,"

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

Mr. Maxwell of Cass, moved to strike out "\$6" and insert "\$5."

Lost.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No. 127, "A bill for an act to provide for the selection of lands in lieu of sections 16 and 36, in cases when said sections or parts thereof have been sold,"

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Friday, January 13th, 1860.

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H. F. No. 84, "A bill for an act entitled 'An act respecting juries,'"

Taken up.

Mr. Collier of Burt, moved that the bill be laid on the table for five minutes.

Carried.

H. F. No. 5, "A bill for an act to amend the criminal code of 1858,"

Taken up.

Mr. Lake of Douglas, moved that the bill be indefinitely postponed.

Carried.

H. F. No. 123, "A bill for an act to amend the charter of the city of Omaha,"

Taken up.

Read the third time.

Mr. Johnson of Douglas, moved that the bill be indefinitely postponed.

A motion was made that Messrs. Marquette and Taffe be excused from voting.

Lost.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I herewith return to your honorable body

H. F. No. 191, "Joint resolution and memorial."

Which has passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The following message was received from the Executive by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act for the location of the county seat of Richardson county by a vote of the people."

JOHN MCCONNIE,
Private Secretary.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to return to your honorable body,

H. F. No. 193, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee city.'"

It having passed the Council without amendment; I am also instructed

Friday, January 13th, 1860.

to inform your honorable body that the Council refuses to concur in the amendments of the House to

C. B. No. 14, "A bill for an act to regulate elections.

S. M. CURRAN, Chief Clerk.

The Committee on Engrossed and Enrolled Bills submitted the following report:

Mr. Speaker.

Your Committee on Engrossed and Enrolled Bills ask leave to report that they have this day presented to the Governor for his approval,

"An act to authorize Michael Jones and Daniel H. Collamer to keep and establish a ferry at St. Helena, in Cedar county;"

"An act to establish a ferry or toll bridge across the St. Vrain Fork river, near St. Vrain, in St. Vrain county, Nebraska;"

"An act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark;"

"An act to incorporate Falls city;"

"An act to incorporate the city of Peru;"

"A joint resolution authorizing the Secretary to correct errors;"

"An act to restrain sheep from running at large in the counties of Cass, Otoe, Nemaha, Richardson and Pawnee;"

"An act to authorize J. Osterling to erect and keep a mill dam across Wyoming creek, in L'eau-qui-Court county."

NOEL and REYNOLDS, Committee.

The question still being on the motion to indefinitely postpone

H. F. No. 123, "A bill for an act to amend the charter of the city of Omaha,"

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Bates, Bowen, Burbank, Brodhead, Collier, Crowe, Davis, Goshen, Johnson, Kennedy, Latta, Malcolm, Marquette, McCasland, Maxwell, Myers, Reynolds, Rogers, Shields, Stephenson, Stewart and Tufts.—24.

Nays—Messrs. Barnard, Belden, Campbell, Hanscom, Keeling, Lake, Nuckolls of Otoe, Nuckolls of Richardson, Reck and Taffe.—10.

So the bill was indefinitely postponed.

C. B. No. 47, "A bill for an act regulating the salary of district attorneys."

Taken up.

Mr. Campbell of Otoe, moved to strike out "\$2000" and insert "\$1500."

Pending which,

The following message was received from the Executive by the hands of his private secretary:

Friday, January 13th, 1860.

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EXECUTIVE CHAMBER,
Omaha, Jan. 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am directed by the Governor to inform your honorable body that he has signed and approved

"An act to incorporate the city of Peru;"

"An act to authorize J. Osterling to erect and keep a mill dam across Wyoming creek, in L'eau-qui-Court county;"

"An act to incorporate Falls city, Nebraska;"

"A joint resolution, authorizing the Secretary of the Territory to correct errors.

JOHN McCONIHE,
Private Secretary.

The question being on the adoption of the amendment,

Mr. Bowen of Washington, moved that the further consideration of the bill be postponed for ten minutes.

Carried.

On motion of Mr. Lake of Douglas,

H. F. No. 84, "A bill for an act to amend 'An act respecting jurors,'"

Was taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 126, "A bill for an act to authorize the district courts to appoint masters in chancery, in place of those who have removed from their counties."

Taken up.

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

C. B. No 47, "A bill for an act regulating the salary of district attorneys."

Taken up.

The question still being on the adoption of the amendment to strike out "\$2000" and insert "\$1500."

Whereupon the ayes and nays were demanded, with the following result:

Ayes—Messrs. Bain, Baker, Brodhead, Campbell, Davis, Johnson, Latta, Marquette, Maxwell, Reynolds, Stephenson, Taffe and Tufts.—18.

Nays—Messrs. Arnett, Barnard, Belden, Bowen, Burbank, Collier, Crowe, Goshen, Hanscom, Kennedy, Lake, Malcolm, McCasland, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Rogers, Shields and Stewart.—20.

So the amendment was lost.

The following message was received from the Council;

Friday, January 13th, 1860.

COUNCIL CHAMBER,
January 13th, 1860. }*Mr. Speaker:*

I am instructed to return to your honorable body,

H. F. No. 97, "A bill for an act to authorize Fellows D. Pease, and Anthony Rapalee to establish and keep a ferry across the Missouri river in Nebraska Territory."

The same having passed the Council with the following amendment: Add on to section 2, "provided that the Legislature shall have the right at any time hereafter, to alter, amend or repeal this act."

And the concurrence of the House therein is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Campbell of Otoe, moved to amend by striking out "\$2000" and inserting "\$800."

Mr. Goshen of Johnson, moved to lay the amendment on the table.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Barnard, Bowen, Burbank, Collier, Crowe, Goshen, Hanscom, Kennedy, Lake, Malcolm, McCasland, Maxwell, Myers, Nuckolls of Otoe, Nuckolls of Richardson, Reck, Rogers, Shields and Stewart.—20.

Nays—Messrs. Bain, Baker, Brodhead, Campbell, Davis, Johnson, Latta, Marquette, Reynolds, Stephenson, Taffe and Tufts.—12.

So the amendment was laid on the table.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }*Mr. Speaker:*

I am instructed to inform your honorable body, that the Council has passed the following bill, and respectfully request your concurrence therein:

C. B. No. 129, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

S. M. CURRAN, Chief Clerk.

Mr. Brodhead of Otoe, moved to amend by adding a new section as follows:

"Provided, That the salary of the district attorney in the third judicial district shall not exceed \$1200."

Adopted.

Mr. Davis of Cass, moved to lay the bill on the table.

Lost.

Mr. Campbell of Otoe, moved to amend by striking out "\$2000" and inserting "\$1500," and to apply to all the districts.

Declared out of order,

Mr. Reynolds of Otoe, moved to amend by striking out in section 1st, 5th line, "\$2000" and inserting "\$1600."

Pending which,

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have passed, without amendment,

H. F. No. 84, "A bill for an act entitled an act to amend 'An act respecting juries.'" S. M. CURRAN, Chief Clerk.

The question being on the adoption of the amendment, the ayes and nays were demanded with the following result:

Ayes—Messrs. Bain, Baker, Bates, Bowen, Burbank, Brodhead, Campbell, Davis, Hanscom, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Reck, Reynolds, Rogers, Stephenson, Stewart, Taffe and Tufts.—22.

Nays—Messrs. Arnett, Barnard, Crowe, Goshen, Johnson, Keeling, Kennedy, McCasland, Nuckolls of Otoe, Nuckolls of Richardson.—10.

So the amendment was

Adopted.

Mr. Strickland of Sarpy, moved that the further consideration of the bill be postponed until the 4th day of July next.

Pending which,

The bill was postponed for 10 minutes.

H. No. 156½, "Joint resolution and memorial relative to indemnifying citizens of Nebraska for losses sustained by the location of the Pawnee reservation,"

Taken up.

Read the third time.

Passed and title agreed to.

The following report was submitted from the Committee on Engrossed and Enrolled Bills:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills ask leave to report that they have this day presented to the Governor for his approval

"An act for an act to amend 'An act to incorporate the town of Pawnee city;'"

"An act to legalize the acts of the county commissioners of Pawnee county;"

"An act for the relief of road district No. 7, in Sarpy county;"

"An act to amend an act entitled 'An act to incorporate the city of Dakota;'"

"Joint resolution and memorial for the relief of Tootle & Jackson;"

"An act to authorize J. J. Eldridge to erect and keep a mill dam across Wood river, in Hall county, Nebraska;"

Friday, January 13th, 1860.

"An act to regulate line fences and define what constitutes a lawful fence;"

"Joint memorial and resolution to Congress asking for an appropriation to bridge the Platte river;"

Also,

"A joint resolution."

JESSE NOEL,
MILTON W. REYNOLDS,
Committee.

C. B. No. 108, "A bill for an act in relation to jurors' fees."

Taken up.

Read the third time.

Passed and title agreed to.

C. B. No. 47, "A bill for an act to fix the salaries of district attorneys."

Taken up.

The question being upon the motion to postpone until the first day of July, 1860.

Upon which,

Mr. Rogers of Dodge, called the previous question.

The question being "Shall the main question be put," it was Carried.

The question then being on the motion to postpone until the 4th day of July, it was

Lost.

Mr. Strickland of Sarpy, moved to postpone until the third day of July, 1860.

Call of the House ordered.

All present.

The following message received from the Council:

COUNCIL CHAMBER,
January 13th, 1860. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council have passed

"A joint resolution for the payment of the assistant enrolling clerks of the House of Representatives,"

And return the same to you without amendment.

S. M. CURRAN, Chief Clerk.

The question occurring on the motion to postpone the bill until July 3d, 1860, the ayes and nays were demanded with the following result:

Ayes—Messrs. Arnott, Barnard, Crowe, Goshen, Keeling, McCasland, Myers, Nuckolls of Richardson and Shields.—9.

Nays—Messrs. Bain, Baker, Bates, Belden, Bowen, Brodhead, Campbell, Collier, Davis, Hanscom, Johnson, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Reck, Reynolds, Rogers, Stephenson, Stewart, Taffe and Tufts.—24.

So the motion to postpone was

Lost.

Mr. Rogers of Dodge, moved that the bill be read a third time and placed upon its passage.

Pending which,

The following message was received from the Executive, by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am directed by the Governor to announce to your honorable body, that the following bills have received his signature and approval:

"An act to regulate inclosures and partition fences;"

"A joint resolution relative to the Pawnee depredations and difficulties;"

"An act to amend an act entitled 'An act to incorporate the city of Dakota,' approved October 21st, 1858."

JOHN MCCONNIE,
Private Secretary.

Bill read a third time.

The question being on the passage of the bill,

Mr. Rogers of Dodge, called the previous question.

The question being "Shall the main question be put," it was

Carried.

The bill then being on its passage, the ayes and nays were demanded with the following result:

Ayes—Messrs. Bain, Baker, Bates, Bowen, Brodhead, Campbell, Collier, Davis, Goehen, Hanscom, Johnson, Keeling, Kennedy, Lake, Latta, Malcolm, Marquette, Maxwell, Myers, Reynolds, Rogers, Stephenson, Stewart, Taffe and Tufts.—25.

Nays—Messrs. Arnott, Crowe, McCasland, Noel, Nuckolls of Otoe, Reck and Shields.—7.

So the bill was passed.

The title was agreed to.

Mr. Noel of Nemaha, chairman of the Committee on Enrolled and Engrossed Bills, submitted the following report:

Mr. Speaker:

Your Committee on Engrossed and Enrolled Bills ask leave to report that they have this day presented to the Governor for his approval,

"An act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts;"

"An act to amend the code of civil procedure, and to provide for the stay of execution in district courts."

JESSE NOEL,
MILTON W. REYNOLDS,
Committee.

Friday, January 13th, 1860.

Mr. Collier of Burt, introduced

H. F. No. 210, "Joint resolution relative to adjournment."

Read the first time.

The rules suspended.

The bill by its title read a second time.

The rules again suspended.

The bill by its title read a third time.

Passed and title agreed to.

Mr. Brodhead of Otoe, moved that

H. F. No. 197, "Joint resolution relative to the election of Governor,"

Be taken up.

The following message was received from the Governor by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, Jan. 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"A joint resolution to pay the assistant enrolling clerks;"

"An act to amend an act entitled 'An act to incorporate the town of Pawnee city,' approved Nov. 4th, 1858;"

H. F. No. 191, "Joint memorial and resolution;"

"An act for the relief of road district No. 7, in Sarpy county;"

"An act to legalize the acts of the county commissioners of Pawnee county;"

"An act to authorize J. J. Eldridge to erect a mill dam across Wood river in Hall county, N. T."

JOHN MCCONNIE,
Private Secretary.

Mr. Goshen of Johnson, moved to lay the motion to take up H. F. No. 197, on the table.

Not entertained.

The following message was received from the Governor by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am directed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act to amend the code of civil procedure and to provide for the stay of execution in district courts;"

"An act to authorize Michael Jones and Daniel H. Collamer to establish and keep a ferry across the Missouri river at St. Helena in Cedar county;"

"An act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark;"

"An act to authorize Alexander Stevenson and others to establish a ferry across the North fork of the Platte river;"

"An act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts."

JOHN MCCONNIE,
Private Secretary.

Mr. Bowen of Washington, moved that the further consideration of the motion to take up H. F. No. 197, be postponed until after the journal is read.

Carried.

Mr. Davis of Cass, moved that the rules be suspended, and the House take up

H. F. No. 102, "A bill relative to the relocation of the county seat of Cass county."

Not entertained.

The journal of to-day's session was then read and approved.

The following message was received from the Governor by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, January 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act to incorporate the Dixon town and ferry company."

JOHN MCCONNIE,
Private Secretary.

Messrs. Reeves and Dundy, a committee from the Council, appeared within the bar of the House, and announced that the Council was ready to adjourn.

Mr. Collier of Burt, moved that a committee of three be appointed to inform the Council that the House will be ready to adjourn in fifteen minutes.

Carried.

Messrs. Collier, Rogers and Campbell appointed such committee.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. Speaker:

Your Committee on Enrolled and Engrossed Bills, ask leave to report that they have this day presented to the Governor for his approval

"An act to incorporate the town of Marietta;"

"An act entitled An act to amend 'An act respecting juries;'"

"An act to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city in Otoe county, Nebraska Territory;"

"An act to locate and establish a territorial road, commencing at the junction of the Pappillon creeks, thence to Omaha city;" "

Friday, January 13th, 1860.

"An act to provide for making an enumeration of the unmarried white youth of Nebraska Territory, between the ages of five and twenty-one years;"

"An act to prevent stock from running at large in Sarpy county;"

"An act to authorize Geo. E. McKinsey and B. F. Leonard to erect and keep a mill dam across the Great Pappillon creek, in Douglas county, N. T.;"

H. F. No. 128, "Memorial for a land grant;"

"An act to incorporate the Bellevue land claim association;"

"A memorial and joint resolution praying for an appropriation for a geological survey."

JESSE NOEL,

MILTON W. REYNOLDS,
Committee.

Mr. Taffe of Dakota, moved that a committee of three be appointed to wait upon the Governor, and ascertain whether he had any more communications to make to this body.

Carried.

Messrs. Taffe, Lake and Campbell appointed such committee.

The following message received from the Governor by the hands of his private secretary:

EXECUTIVE CHAMBER,
Omaha, Jan. 13th, 1860. }

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act entitled 'An act to authorize the district courts to appoint masters in chancery in place of those who have removed from their counties;'"

"An act to prevent stock from running at large in Sarpy county;"

"Memorial for a land grant;"

"A memorial and joint resolution praying for an appropriation for a geological survey;"

"An act to incorporate the town of Marietta;"

"An act to authorize George E. McKinsey and Benjamin F. Leonard to erect and keep a mill dam across the great Pappillon creek, in Douglas county, N. T.;"

"An act to provide for making an enumeration of the unmarried white youth of Nebraska Territory, between the ages of five and twenty-one years;"

"An act to locate and establish a territorial road, commencing at the junction of the Pappillon creeks;"

"An act to incorporate the Bellevue land claim association;"

"An act entitled an act to amend 'An act respecting juries;'"

"An act to change the time of electing a delegate to Congress from Nebraska Territory;"

Friday, January 13th, 1860.

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"An act to authorize Stephen D. Shinn and T. R. and R. McMurray, to establish and keep a ferry across the Platte river."

JOHN McCONTE,
Private Secretary.

Messrs. Taffe, Lake and Campbell, the committee appointed to wait upon the Governor, reported that they had waited upon the Executive and been informed by His Excellency that he had no further communication to make to this House.

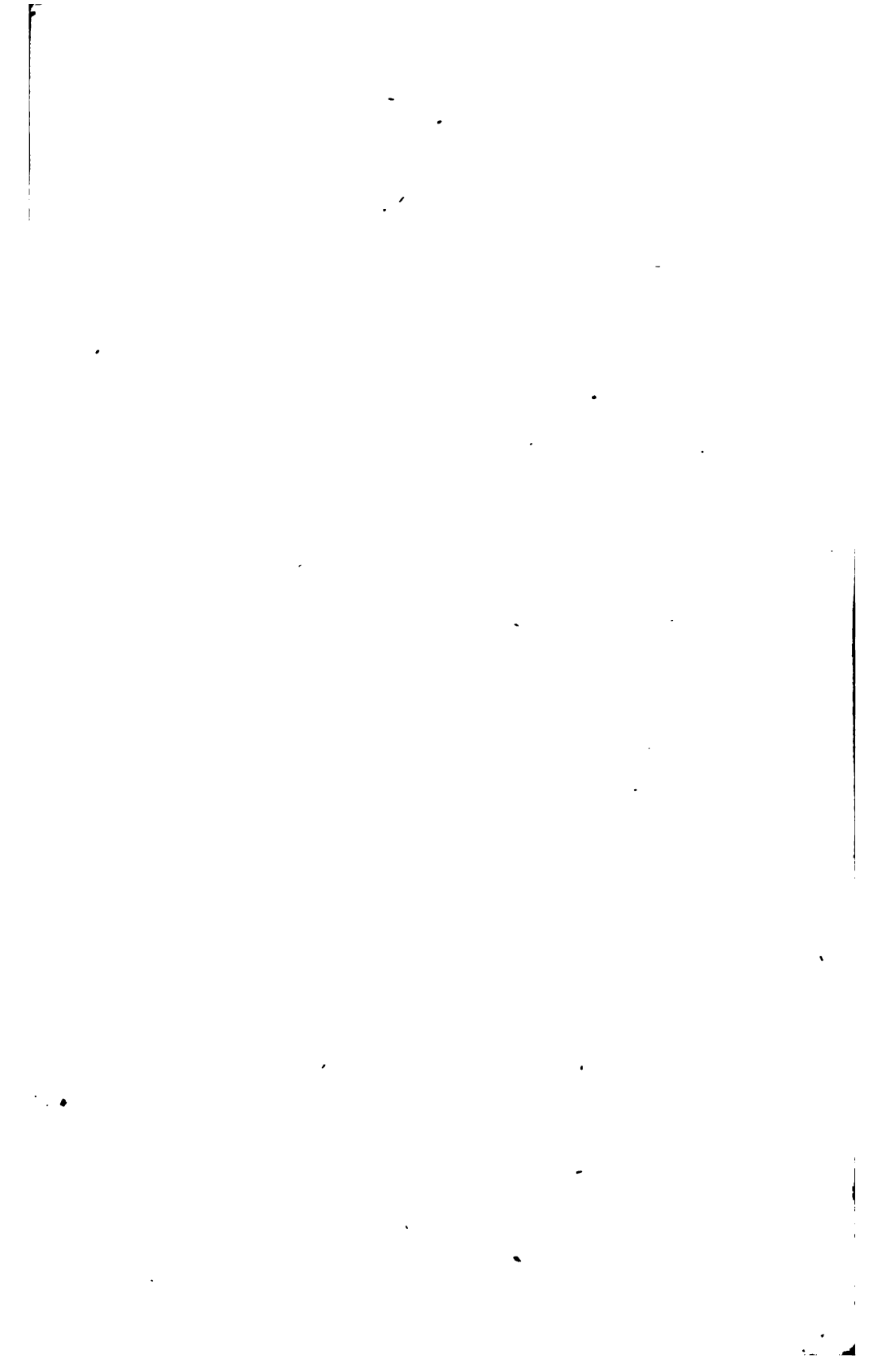
The hour of 12 o'clock P. M. having arrived, and that being the hour fixed by joint resolution for adjournment,

On motion,

The House of Representatives adjourned *sine die*.

SILAS A. STRICKLAND,
Speaker of the House.

Attest,
JAMES W. MOORE, Chief Clerk.



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